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JANUARY, 1882.

ART. PAGE.

I. THE MORAL RESPONSIBILITY OF THE INSANE. By J. J. ELWELL, M. D.; GEORGE M. BEARD, M. D.; E. C. SEGUIN, M. D.; J. S. JEWELL, M. D.; CHARLES F. FOLSOM, M. D. 1

II. THE NEW POLITICAL MACHINE. By WILLIAM MARTIN DICKSON. 40

III. SHALL WOMEN PRACTICE MEDICINE? By MARY PUTNAM JACOBI, M. D. 52

IV. THE GENEVA AWARD AND THE INSURANCE COMPANIES. By GEORGE B. COALE. 76

V. A CHAPTER OF CONFEDERATE HISTORY. By F. G. RUFFIN. 97

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NORTH AMERICAN REVIEW.

No. CCCII.

JANUARY, 1882.

THE MORAL RESPONSIBILITY OF THE INSANE.

J. J. Elwell, M. D. E. C. Seguin, M. D.
George M. Beard, M. D. J. S. Jewell, M. D.
Charles F. Folsom, M. D.

DR. ELWELL.

Truth always runs in parallel lines, which crime, in its zigzag course, strikes and crosses at all angles. An act of crime, therefore, which is always unnatural and contrary to ordinary human action, is not necessarily an insane act; though the greater the act of crime, the more the rule of ordinary action is strained and violated.

Moral insanity as a defense for capital crime is an importation from the mother-country, being an invention of the brilliant genius of Erskine, and by him successfully applied in the defense of Hadfield for an attempt on the life of George the Third eighty years ago. It was again used with success by Sir John Campbell and Sir Thomas Wilde, in the case of Oxford for shooting at Queen Victoria, forty years later; and again in the McNaughton case, for the murder of Mr. Drummond, private secretary of Sir Robert Peel, mistaking him for Sir Robert himself, by Mr. Cockburne, afterward Chief-justice of England. In this country, with these cases as precedents, Sickles, McFarland,

and Cole were [illegible]y defended on the ground of irresponsibility, and bear [illegible]lation to the English cases.

The human [illegible]nected as it is with matter, so far as we know anything [illegible]in its best estate is an unknown quantity, having no [illegible]standard of measurement by which it can be accurately [illegible]. Hence it is often most difficult, or even impossible, to [illegible] precisely when there is a departure from the healthy [illegible]d or normal condition. No two individuals being alike, [illegible]r normal condition of mind, it follows that each must be his own standard for comparison, and that an uncertain one. No words in the language have yet been able to define mind, sane or insane; and it has no synonym but mystery. Over the portal that leads to the luminous temple where thought dwells, the pilgrim who would enter there sees written in letters of living light the inscription: "Put off thy shoes from off thy feet, for the ground whereon thou standest is holy ground." It is the temple of an unknown God, and whosoever would rush unbidden into this presence, thinking to sit face to face with and to understand its mysteries, is but little less than a madman himself. Whether the subject be sanity or insanity, it will be found firmly and securely intrenched behind ramparts, and surrounded by insurmountable difficulties—*a terra incognita.*

Yet, with all the difficulties surrounding the case, there is not, perhaps, a more important question upon which human tribunals have to pass—aided by such help as human testimony can afford—than that of the responsibility or the irresponsibility of the alleged insane, affecting, as it does, the rights of property, of person, and of society at large.

That no confusion of ideas may arise, no misapprehension of the points at issue, and that the field of discussion may be properly circumscribed and defined, and no words or time wasted, let it be said at the outset, and distinctly understood, that there can be no dispute as to the entire irresponsibility of that class of insane criminals coming within the famous rule of the English judges: those not knowing the difference between right and wrong. A person utterly unconscious of the distinction between good and evil, justice and injustice, right and wrong, at the time of committing the offense, by the common consent and judgment of mankind, is not responsible for his act. Not influenced by fear or favor, by punishment in this life or in another, without

forethought or calculation for the future, he is completely wanting in every element of character and faculty of mind necessary to fix responsibility for personal conduct, or accountability to human tribunals. This class is believed to be not only very limited in number, but of this number very few ever commit capital crime. Where they do, the cases are generally so clearly marked—not always—that but little difficulty arises in assigning them to their proper position of entire irresponsibility.

On the other hand, the number of alleged insane, thrown to the surface as the emergency requires—for whom the defense of irresponsibility is so constantly interposed in courts of justice—probably constitute ninety-nine per cent. of all the insane population—composed of the weak-minded, the evil-minded, those more or less diseased in mind, the "odd" and the "singular" people; and lately to these have been added the eccentric, and still more recently those of "bad memory" have been made to swell the list. This is the class whose position as to responsibility is here under discussion; and these are the persons who are spoken of in this article as the insane, and not those who come under the rule of the English judges.

Unusual attention has recently been called to the condition of the criminal laws of the country, in regard to the punishment of crime when alleged insanity is interposed and relied upon as a defense for the act, by an event of national importance, and involving the interests of the commonwealth. That there is a wide-spread dissatisfaction and uneasiness felt, as to the present mode of their administration, on the subject, there can be no doubt; and that the whole question of insanity, as a defense for crime, is to undergo a thorough review and discussion is equally true.

Existing laws on the subject of insanity are mainly judicial, legislatures not having been able to formulate a statute on the question, only in the most vague and indefinite manner; while on almost every other matter connected with human affairs enactments and statutory provisions are found *ad infinitum*. As the law now stands, insanity is a fact to be determined by the finding of a jury under the charge of the court; hence a great diversity of rulings exists, of a different and often contradictory character, on substantially the same statement of facts. The question may be said to be entirely open to the peculiar views of the presiding judge and the witnesses in each case—neither of

whom have a definite standard of action in law or in medicine to guide them in their investigation.

The rule of evidence on the subject of insanity, so far as there is any, varies greatly in the different States. In some, a reasonable doubt of the sanity of the accused is all that is required for the acquittal of the criminal; in others, the offender must establish his insanity by a preponderance of evidence; while in other States, like New Jersey, the rule of law is as laid down by Chief-justice Hornblower, that the accused must establish his insanity as the State establishes his guilt—that is, beyond a reasonable doubt. The first view is based apparently on the general presumption of innocence, and the latter two on the technical ground of a plea of confession and avoidance. The first—that only a reasonable doubt is required to establish irresponsibility for crime—is altogether the most common, and under it the records of the courts show that almost any murderer may be acquitted. Mr. Justice Hogeboom, of the Supreme Court of New York, so charged in the notorious case of the People *vs.* Cole, under which he was quickly acquitted of the murder of Hiscock—the defense being "emotional insanity." This, it must be admitted, is as extreme an application of the rule of a reasonable doubt as can be found in the courts. Under such judicial rulings, society is absolutely without protection from the bench against the assassin, and the proceedings are little less than a dangerous farce. Cole was admitted to be sane the moment before and the moment after the murder was committed. The infirmity kindly remained just long enough to bring him within the rule of an *un*reasonable doubt.

The only safe rule of law, under this state of things, by which government can proceed to protect society by the administration of punishment in capital crime, is the character of the criminal, and the commission of the act of crime is the only conclusive proof of the tendency of such character in the direction of crime.

The theory upon which a government proceeds to punish crime by the infliction of the death penalty, and upon which alone it can be justified, is that the existence of the criminal is dangerous to society, and that society can only be protected by his death. Human law in these cases has nothing to do with the moral guilt of the offender. It undertakes to protect society, and punishes for that purpose only, when the punish-

ment is death. If government attempts to reform the criminal, as is sometimes the case in crime less than capital, even then the primary object is the good of society, and not that of the offender. Criminal law is established by society for its own protection—not for the indulgence of revenge on the one hand, nor of a tender sentimentality in favor of the criminal on the other. Certainly, the community at large has the same right to protect itself, even to the taking of the life of an insane murderer, if need be, that an individual has when assailed with murderous intent. Yet no one doubts that any man may slay the assassin, sane or insane, to save his own life or that of his family. Must society stand upon altogether other and more untenable grounds, and deal with the alleged insane murderer under another rule than that of self-preservation at the expense of the life of the assassin? It would seem so; for all that is now necessary to insure a successful defense on the ground of insanity is for the assassin to find somewhere, at the expense of the government, "evidence" that will raise "a reasonable doubt" of his sanity,—as the traditional existence of insanity in some of the ancestors or collateral branches of the family of the accused, no matter how distant; or that he has been, in the opinion of some medical specialist or "expert," troubled with "emotions," "moral insanity," bad dreams, or has acted "singularly," or has done some foolish thing, or some proper thing, as nobody else would have done it, or has seen the inside of a lunatic asylum sometime during his life, for a short time; then the reasonable doubt of his sanity is raised, and he is pronounced by the jury "not guilty," and goes forth again a dangerous element in society. So we see that, under the Hogeboom, moral insanity, emotional school of jurists and medical experts, society is helpless to do for the whole people what an individual may do for himself and family—slay the assassin, be he sane or insane.

In cases where firmness, wisdom, and good law have characterized the action of the courts, and the criminal law has been properly and promptly administered, as is fortunately often the case, then very likely will be raised the cry, as it has been, of "judicial murder!" Criminal law and criminal courts are institutions established by society for the protection of the citizen against the assassin, the immoral, the depraved, the violent and brutal, the reckless and heartless, the weak against the strong; they are not missionary societies, for the conversion of the vicious classes;

the judges and attorneys are executors of the law, and officers of the courts—not colporteurs and tract-distributors to the dangerous and vicious of society. Yet it is well to be emotionally interested in the glorious and sublime doctrines of the Sermon on the Mount, if it is only while preaching to a jury in defense of villainy, with "emotional insanity" for a text and medical experts for cup-bearers.

In the olden time, in the New England colonies, laws were made to cover moral questions; not so now: criminal law, especially in capital crimes, is made to remove the offender, and thus protect the people from an occult and constant lurking danger. In minor offenses, law is designed to place the criminal where he cannot prey upon society, and to inflict minor punishments; and here the application of reformatory means may be instituted for the good of society at large, if not for the good of the offender himself.

If society cannot be securely protected against the sane assassin without destroying him, which seems to be the settled conviction of mankind, it is equally necessary to destroy the "emotional" and "moral" insane, for society is as much, if not more, in danger from this unstable and uncertain class as from the sane murderer, who might live to see the error of his evil way, and abandon it; while the insane, because of less intelligence and more obtuse sensibilities, is not so easily influenced. Carefully bearing in mind the object of criminal law in capital cases,—*protection*, not punishment, not reformation,—is not this view perfectly logical? Even though there be but slight moral guilt and but faint consciousness of wrong-doing, if the purpose of the death penalty be to destroy the dangerous person, why should the dangerous half-intelligent insane live? The moral side of the question belongs alone to the jurisdiction of the Great Judge, and not to human tribunals. Courts and jurors have nothing to do with the question of mercy or pardon. Law has placed this sublime attribute in the hands of the chief executive of the state, whose duty it is to carefully consider all mitigating circumstances in the particular case, and give to them their proper weight in the premises.

We have seen that society is in as much or more danger from the insane assassin as from the sane, and needs the same sure protection from the one as from the other; therefore, if it is not safe to let the sane murderer live, for reasons *a fortiori* the alleged insane assassin, on whom a milder punishment would have

less effect than on the sane, should not escape. It is said this is inhuman; but would it not be more inhuman and brutal to spare the criminal at the expense of society? To whom belongs the greater right to live, the assassin or society—any member of which is constantly exposed to death at his hands?

Taking this logical and rational view of the law, Mr. Justice Crawford, of the Supreme Court of the District of Columbia, charged, in the Sickles case, with Roman firmness—the defense being "emotional insanity," which was pressed with all the great ability of Stanton and the marvelous eloquence of Brady—"that the man who takes vengeance into his own hands must be convicted of the crime!" But those great advocates, in their charge to the jury, said the assassin, at the moment of the act of murder, was under the influence of "an emotion," or of "moral insanity," or of an "ungovernable impulse," and therefore guilty of no crime; and the verdict of the jury was, "Not guilty." There is not a jurist in the land that does not say the charge of the judge was good law, and that the assassin should have been convicted of murder, and the question left to the President of the United States to say whether or not there were mitigating circumstances calling for the exercise of the high prerogative of mercy and pardon.

The fear of punishment or the dread of death is as great in case of the insane as of the sane, and has the same restraining influences; therefore, the insane criminal is morally responsible for his acts. The English embassador, Sir Edward Thornton, says that since whipping has been instituted and practiced on fanatics for shooting at the Queen, it has stopped completely. In this common-sense position we are sustained also by the highest medical authority in the English language. The "London Lancet" says: "No doubt, mental disease is mysterious in its operations and manifestations. No doubt, weakened mental power and a low standard of moral sense leave mankind an easier prey to violent passions or criminal desires. It is equally true that such natures are more easily controlled and influenced by the fear of punishment." Insane assassins generally reason correctly in laying their plans and preparing weapons, and selecting place and occasion for the committal of the murder, as well as for escape; they reason just as correctly as the sane on the question of punishment, and by their cunning in devising a defense, often insanity, show that they fear that punishment.

The gravity of this question does not diminish when we consider the fact that the alleged insane class is increasing out of all proportion to the general increase of the population of the country; and with this increase of the insane comes a more liberal definition of insanity every year, constantly growing wider and wider, until persons who were formerly considered perfectly sane are now most hospitably taken within the fold of the irresponsible, and assigned to a ward or class in the vast nomenclature or nosology of modern insanity — classes and divisions numerous enough and wide enough to embrace the entire human family, sane and insane. We find in the "moral" department alone divisions, subdivisions, and double subdivisions as extensive as the propensity of the human family to commit crime, to wit: homicidal mania, kleptomania, oikeiomania, suicidal mania, fanatico-mania, politico-mania, etc., etc., without end. To the old and constantly increasing nomenclature of insanity of the books there has lately been added another, covering the loss of memory. To escape being classed with the insane, one must have a good memory. Whether he must come up to the high standard of Macaulay, who could recite the "Times" newspaper, advertisements and all, after reading it; or of Niebuhr, who restored from memory a burnt book of public accounts; or of Leibnitz, who could repeat from memory the whole of the Æneid, we are not told. The "London Lancet," from which we have already quoted, says on this subject: "At the present moment, insanity would seem to be anything experts choose to make it. There is no clearly formulated ideal of sanity, and the least 'strangeness' or weakness is held to be, if the general circumstances appear to render the assumption convenient, a sufficient proof of insanity to deprive an individual of his liberty and social privileges." (The learned editor might have added with equal truth, "or make him irresponsible for murder.") The "Lancet" continues: "A master in lunacy has just ruled that loss of memory is to be regarded as evidence of insanity, although at least one experienced expert medical practitioner —not a specialist—had no hesitation in declaring that the patient, or, as we would prefer to say, victim, was not insane. It is necessary that a protest should be raised, in the name of science, against the rapidly growing tendency to class every form of mind weakness or bewilderment as insanity. Of course, incapacity may be so classed, because a

mind which is not perfectly sound must needs be unsound; but this is a straining of the term, and when scientific terms are strained for legal or social purposes, it is time that science interposed to prevent what may become a great abuse. If insanity is still to stand for disease of the mind, it is not expedient that it should also stand for mind-weakness. If there be no fixed distinction between disease and weakness, it must ever remain a matter of personal opinion whether or not any man or woman is insane. Nothing could be more unsafe than the condition of uncertainty to which this points. For example, if loss of memory is to constitute insanity, how much or how little forgetfulness should be held sufficient to justify hurrying the subject of this common mind-trouble into an asylum?" (Or he might say, "to acquit a murderer?") "Society will surely not be content to leave the question of degree to be determined by considerations of expediency in the individual case! If the determination were so left, it might easily happen that because a wealthy man or woman forgot, or seemed likely to forget, some expectant relative in the distribution of gifts, or in the disposal of his or her property by will, the lapse of memory would be successfully pleaded as a ground for placing the offender under restraint." (Or in a criminal case, interposed as a defense for murder in the case of a "wealthy" assassin or influential politician, say we.) "In short, if weakness, in respect to particular mental faculties, is to be classed as disease, it is indispensable that some standard of measure of the strength assumed to be healthy should be set up. Already we have agaraphobia, and claustrophobia, and gynephobia, and a host of recent additions to the long catalogue of mental disease, loss of memory being duly registered among the number. The definitions of insanity have been so extended as to include many forms of derangement which our fathers and grandsires would not have dreamt of so classing. Nevertheless, in the interest of common sense, if not of humanity, we must invent some new term for the designation of genuine or actual insanity, if all the pretended and imaginary forms of mind-weakness" (and heart-weakness, say we) "which the ingenuity of specialism can devise are to be comprised under the old term, as occasion may seem to render desirable. We say nothing against the policy of placing half the population under the surveillance of the other half, though it is difficult to determine which should be the keepers, and which those kept, but we do

protest against playing fast and loose with terms which still retain, or are supposed to retain, a modicum of scientific significance." ("London Lancet," June, 1881.) So say we. Here we have an open revolt against the present condition and drift of the medical profession, by the ablest and soundest medical journal in the world. It is properly alarmed at the loose and dangerous tendencies of "specialists" on the subject of insanity, and the bad influence they are having with the profession at large.

There are now no eccentric people when an emergency arises either in civil or criminal law. No room for the eccentricity of genius. All are sane or insane—nobody is eccentric; if the criminal is not sane beyond a doubt, he is insane for all practical purposes.

President Garfield and General Sherman, under the present state of the question of insanity, as defined by specialists and medical amateurs called also experts, were both crazy. Of General Garfield, Captain C. E. Henry, Marshal of the District of Columbia, the life-long *fidus achates* of the President, says:

"Twenty-five years ago, when I first knew him at Hiram, he often said that he expected to die at thirty-three, the age of his father when he died. He passed thirty-three, and then thought he would die at forty-two, the number of his regiment. His calculations on the length of his life have afforded those who knew him much amusement. General Garfield has always had the idea that he knew exactly how long he was going to live. He used to say there was something in him that told him things of that kind, and that they always proved correct. The war broke out, and Garfield enlisted. 'I know that I will never return from the war alive,' he used to say. 'I may not be shot, but if not I will die; I will never return alive.' He was colonel of the Forty-second Ohio Volunteers, and though never wounded, I think he had more miraculous escapes than any man that I ever saw. He had bullets through his hats, and bullets through his clothing. He then believed that he would die at forty-two. He knew he would. He knew what the number of the regiment meant. He would go to a hotel, and if the number of his room chanced to be forty-two, or any product of forty-two, or multiple of that number, he would say, 'There, do you see that number? I tell you it means me!' His friends would plague him a great deal about this, and accuse him of being superstitious, but he clung to his belief. If the number of a house he was stopping at was forty-two, and he knew it, he would be uneasy; or if it was eighty-four, or twenty-one, it would be all the same. He would multiply and divide to suit the case, and find his forty-two. We were riding on a railroad together once, and chanced to stop opposite a freight-car numbered 1427. 'There!' he said, 'do you see my number?' 'No, where?' 'Why, between that one and seven.' Then it got to be forty-nine. I know that to this day General Garfield looks upon forty-nine as his unlucky number. If the forty-ninth day of the

shooting came on Friday, he would almost be ready to give up his chances. Sick as he is, he will lie on his back and turn that number over in his head by the hour, and make more combinations out of it than could be counted in a day, until he gets something out of it to base his theory on."

Had General Garfield slain Guiteau without provocation, there would have been no difficulty in establishing his insanity. And yet this nation has not produced a greater, more practical, or more perfectly balanced mind than that of the President.

Take the case of General Sherman. He was pronounced by the Secretary of War, Mr. Cameron, insane. Why? Because his idea of the number of men necessary for the invasion of Kentucky and the South, greatly exceeded his own; and because he manifested an intense restlessness in his movements and unusual earnestness in his views of the war and of governmental policy, uttered in a little more vigorous than polite language, as he stalked up and down the platform at Louisville. He was relieved from duty and ordered to report at St. Louis, where there was no war, as a sort of insane asylum. Had General Sherman, at that time or any time thereafter, shot the Secretary of War, what jury would have hesitated in pronouncing him insane? Jefferson Davis and General Hood would have sworn to his insanity, when, after one hundred and nineteen consecutive days of fighting between Chattanooga and Atlanta, he struck from that city for the sea with thirty thousand men, and made a campaign equaled only in brilliancy by that of the Alps and Italy, by the great Napoleon.

This being the alarming state of the question we have tried to examine, is it not about time that the mania for excusing crime on the ground of moral insanity be arrested, either by the medical profession, the courts, by the common sense of the people, or by all?

J. J. ELWELL.

DR. BEARD.

IN traversing a thick forest we are often struck in the face and eyes by a branch which, in passing, we have bent forward, and, smarting with the pain, we automatically and angrily raise our club and strike the branch, as though it were at fault for what has happened.

When the leader of a nation is assassinated, the first impulse of the people is to treat the murderer as the murderer treated his victim, and to dispense not only with the delays, but also with the forms of law; but in proportion as the anarchy of feeling subsides and reason resumes its leadership, we begin to calmly ask the question whether, under certain conditions, animate nature may not be as irresponsible as inanimate.

If Guiteau had shot a boot-black instead of a President, the facts of his life that are now before us would probably compel many, if not the majority of experts, to declare him insane. But in the eye both of science and of law, Presidents and boot-blacks stand side by side, the character of the victim having no relation to the question of the assassin's responsibility. If there be such a disease as insanity, then Guiteau is and was insane, and has been for years, and the assassination of the President was not needed to make the diagnosis sure.

Cunning and premeditation, and even preparations for escape, instead of being disproofs, may be, when taken in connection with other phenomena, actual symptoms of certain forms of insanity. It is this exalted cunning of the insane and this prolonged premeditation of crime that make it difficult to deal with them, and compel us in some cases to send them to asylums, whereas otherwise it would not be necessary.

Casper records the case of a patient, in one of the private asylums in London, who succeeded in obtaining some of the instruments left by a locksmith in the house, sawed off the bars of his room, escaped, and went to the house of the Duke of Wellington, claiming that he was his son.

The same author also mentions the case of a woman who killed several of her children, and before the act made a sort of half attempt at secrecy by putting a screen before the window, although her husband was not far off at the time, and detection was sure.

I very lately saw a case of insanity brought on by losses in Wall street, where, despite the watching, the patient managed to secrete a knife in his bed; and yet his manner is usually harmless and mild, and, save on one delusion, he appeared quite sane. I have had under care a patient who some time since escaped from an asylum, successfully guarding against detection by an ingenious and elaborate and long-premeditated plan, the details of which are both interesting and romantic; but the patient was insane then and is insane now.

Our dreams force us to commit crimes of almost every kind, and to do deeds both horrible and grotesque. Delusions are the waking dreams of the insane, for which they are usually quite as irresponsible. Our dreams sometimes seem to us silly, out of character, shameful, it may be, but control us until we awake; and so the delusions of the insane may appear to them for the moment somewhat as they would appear to others, but they can only master them as they recover or improve.

Intelligent insane patients who have recovered sometimes describe their experience as though they had been in a long dream, and not always an unpleasant one. To know how Guiteau has felt, and is feeling, we have but to recall some of our own dreams. A friend of mine, who lately induced in himself an attack of artificial and temporary insanity by over use of a drug, was many times tormented with the waking and vivid delusion that one of his excellent neighbors was cruelly beating his son, and he tried to make others aid him in rescuing the lad; even now, months after his perfect recovery, that waking dream appears to have the force of a real and sane experience.

The symptoms of insanity rise and fall like the tides, though not usually with regularity, but in obedience to the force of varying subjective and objective causes; at times—for long periods it may be—there will be margins of responsibility, which at any moment may be overwhelmed and the will may be put utterly out of sight by an unexpected flood of insane delusions and impulses.

Sane intervals, of however long duration, cannot be regarded as facts against the insanity of a patient. Epileptics are epileptics still, though their convulsions occur only six times a year, and their convulsions, when they do occur, are no more controllable than are the maniac's delusions, and are, indeed, most excellent analogues to them.

A very good physical analogue to monomania is the disease called "writer's cramp," and the affections allied to it. Those who have had this disorder, or who have seen others suffering from it, know that, while their muscles are apparently as strong, as firm, and as sure for all other movements as ever—while they may sew, knit, or play on instruments, or do various sorts of work requiring complex play of the muscular machinery of the fingers and hands, yet, in the severe cases, as soon as an attempt is made to grasp the pen and to write, cramp or convulsions fol-

low; the writing becomes jerky, tremulous, and illegible, like that of very old age; the pen slips or drops from the hand, and, in some cases, is hurled involuntarily across the room. The mental faculties of the monomaniac, like the condition of the muscles of a person affected by this disease, are strong and under control for all or nearly all combinations of movements, perhaps, except one,—and for that one as helpless and irresponsible as are the muscles in the worst stages of writers' paralysis.

While it is scientifically possible that an insane man may commit a murder in a fit of passion, as any one else would do, in a case where delusions or any phases of insanity have no direct effect, yet the presumption is that any violent crime, committed by a person whom we otherwise know to be insane, is directly or indirectly the result of his insanity.

An insane man may sometimes make an entirely valid will; but if the will be of a preposterous and outrageous nature, entirely inconsistent with the character of the man when in health, the presumption is that the will is the result of mental disease.

To the practical question, what shall be done with irresponsible criminal lunatics, the shortest, simplest, and clearest answer is, shoot or hang them, as we would the lower animals when they are ugly or insane. Of all modes of preventing the evils that arise from living creatures, murder alone appears to be radically sure—all other agencies and forces being palliative, temporary, and uncertain, and, looked at from one side, at least, inefficacious. It is the certainty and thoroughness of killing as a preventive and remedial measure that constitutes its charm and has made it, in all ages and among nearly all peoples, so popular and so pleasing in all our dealings with those who are, or seem to be, in any way offensive to us. As, in the pirate's language, "dead men tell no tales," so hanged lunatics commit no murders, and are no longer a burden to themselves, or care to their friends or to the state. Whence it would appear that, if all the hopelessly insane in all the asylums (and a vast majority are hopeless for permanent cure) could be kindly and regularly shot or poisoned as fast as they reach the stage of incurability, the nation would be saved not only the murderous assaults that are to be committed, but an immense and rapidly increasing taxation for their support. Among barbarous peoples, among some nations somewhat

raised above barbarism, this plan of killing the insane and aged prevails, but never on a large and organized scale in any highly civilized country; nor will it ever, for recognition of irresponsibility and degrees of responsibility is at once the foundation and measure of civilization, without which, indeed, civilization of a high order cannot exist.

Without reference to sentiment or ideas of duty, or to any philosophical reasoning whatever, it is practically impossible for a civilized nation to deliberately and consistently inflict the highest punishment of responsible crime on irresponsible lunatics, or to shoot them down as wild bulls running through the streets, for to do this we must ourselves first become rebarbarized: the weapon of our defense would burst in our hands—we should destroy our civilization in the very effort to save it. We might hang Guiteau, as other irresponsible criminals have been hanged, even during the last century, either through inability of the court to understand the special phase of his insanity, or in obedience to the commands of the people; but a reaction of science and of justice would follow; the recuperative forces of civilization would soon be felt again. Thirty days we mourned for Garfield; we should mourn for years were we to hang his assassin after having proof of his irresponsibility. We are more likely, as a nation, to give up our homes and live in wigwams than to judicially and uniformly shoot or hang the irresponsible insane.

Guiteau chances to have been poor and obscure, the terror of his few friends, and without influence, even before he became immortalized as an assassin; but the good, the great, and the useful have become deranged, and fiercely so; men of genius may step over the bounds that separate genius from insanity; a man of character and power shall kill one who has neither character nor power; a Garfield may shoot a Guiteau, and then the nation would as impatiently seek for proofs of irresponsibility as now they are seeking for proofs of responsibility, and would find this one dark precedent shadowing their pathway, leaving no chance of escape save by a return to the only course that is consistent with civilization.

The psychology of punishment is a problem that requires and is to receive the best thoughts of our best statesmen, jurists, and philosophers.

The punishment of irresponsible lunatics by hanging would not only not deter other lunatics from crime, but would invite

and urge them to commit crime, and thus increase the violence we seek to diminish. Butchery begets butchery; crime makes more crime; and horrible deeds, in proportion as they are horrible, tempt and—more or less—inspire irresponsible imitators. The greater our fear in any emergency, the less power we have to control ourselves and escape what we fear; just as, when standing on a height, the weak and nervous are impelled to throw themselves off, through their dread lest they may fall.

Dr. Guy seems to have shown, by interesting statistics, that in England hanging produces—in some ill-arranged natures, at least—the effect of increasing offenses that deserve hanging. If, on retiring for the night, we should be threatened with death if we dreamed of murder, our dreams would be rendered not less but more murderous thereby.

The moth rushes to its death into the candle-flame; so terrified is the bird by the serpent's eye that it is gradually drawn toward its fangs; the screech of the elephant so alarms the untrained horse that it cannot escape; the slow crocodile catches the swift antelope through the fascination of fear; even the dull toad is paralyzed by the sight of fire, and is burned through its very dread of burning; and the murderer returns to the scene of his bloody deeds, though he thus increases the chances of detection. The sight or tidings of horrid crime or of horrid punishment, through the law of mental contagion, so acts on natures organized for insanity and tilted on its edge as to throw them completely over, and cause them to repeat the crime, at the risk of the punishment. Milder and less imposing procedures, that act less violently on the emotions,—such as flogging, or confinement in jail or asylum,—have the deterring, without the attractive, force of punishment.

If, at the moment when Guiteau raised his pistol, some one had stepped up and held a club near his head without striking him, the assassin might automatically have withdrawn through fear, as a wild bull would have done; but the prospect of any distant punishment would have had no effect, as it did have none, and he would again have sought a chance to do the deadly work. And, from his point of view, why should he be deterred, since he was commissioned to do that for which the highest penalty that man could give would be a reward, rather than punishment? A lunatic, indeed, has been known to commit a murder that he might have the pleasure of being hanged.

All reasoning is logical reasoning; it is through the premises that all of us, sane and insane, go wrong; ideas, healthy or diseased, obey the laws of growth, like the trees of the field. Alike in offensive weeds and in beautiful flowers there must be a vital and an organized connection, layer by layer and cell by cell, between the roots and topmost branches. When Freeman, the modern Abraham, in obedience to the command of the Almighty, after long deliberation, lifted his knife and plunged it into his dear little daughter's breast, heeding not her last and only dying words,—"Oh, papa!"—his conduct, though irrational, was, from the stand-point of his delusion,—that God had so commanded,—absolutely logical and inevitable. Wisely, therefore, was it decreed that he needed, not the halter, but the asylum.

If Guiteau were hanged, and a twin Guiteau, with the same conditions, were to attempt to commit a like crime, the hanging of the first would have, not a deterring, but an attractive, power over the second.

True, indeed, in a limited way, in asylums and in our homes, the insane are sometimes amenable to control by punishment and reward; but not usually are they to be influenced, to any great degree, against their mastering delusions by any prospect of distant reward or distant punishment.

Possible Guiteaus are everywhere, and are probably increasing; we are to protect ourselves against their violence not by imitating, but by preventing and restraining them.

Confinement for life in an asylum, under the protection of special laws, if need be, that shall make it impossible ever to escape, even should there be apparent recovery, is all the punishment that civilization will allow itself systematically to inflict on its irresponsible lunatics.

GEORGE M. BEARD.

DR. SEGUIN.

THE subject of the responsibility of the insane with reference to crime is considered in the following pages upon two assumptions:

That capital punishment is a relic of barbarous life, abhorrent to the calmer reason of the present age, and probably not as

efficacious a threat to would-be criminals as its advocates would have us believe.

That punishment for crime is not designed for revenge on the act, but for the protection of society from a repetition of the crime, and (in some cases) for the moral education or cure of the criminal, with a view to his restoration to a free and better life.

Let us now consider under what circumstances the insane commit crimes, or what is the psychic substratum of their acts. For this purpose, we must divide the insane into several categories.

First. We meet with a number of persons who murder, steal, or commit minor illegal acts while suffering from epilepsy. This may occur in various ways. Sometimes, immediately after a fit or after a very slight transient attack ("dizzy-spell" or *petit-mal*), the patient uses bad language, or seizes and appropriates or destroys whatever is near him, or strikes at persons in his vicinity. To the inexpert looker-on these actions bear a strong resemblance to ordinary volitional acts. In other cases, this mental aberration occurs in the interval between ordinary attacks, as a sort of substitution for them. In rare instances the psychic disorder precedes or ushers in a fit. These epileptic conditions of mind are short, usually lasting but a few minutes, and probably are instances of delusional insanity with hallucinations of sight and hearing. After the seizure there is complete amnesia, as it is technically called; that is to say, the patient has no recollection of what he has been saying or doing, and is much surprised or grieved on being told of his actions, or on being brought to a knowledge of them through seeing their tangible results in the articles he has stolen, or in the bodily injuries he has done to those around him. A classical example of epileptic mania or fury of this sort is that of Ajax, described by Sophocles.

Epileptics also commit offenses when, late in the course of the disease, their minds have simply become enfeebled; but the mechanism of these actions is quite different from that just described, and the cases belong to the category of dementia.

In the *second* place, it is claimed that there is a non-epileptic transitory mania or fury, in which the patient acts upon an irresistible impulse. It is not claimed that any hallucination or delusion occurs as an insane premise for the act, but the insanity is held to be impulsive or instinctive. Recent studies make it probable that most of the recorded instances of this impulsive

disorder were cases of epileptic or alcoholic mania. While we are not prepared to absolutely deny the occurrence of idiopathic transitory mania, we hold it to be exceedingly rare. Many of the instances of sham insanity pleaded in defense of crime belong in this category. This much further may be said, that in transitory mania, as well as in epileptic mania, the logic of the subject demands (and experience justifies this demand) that the person who is the object of violence should not be one against whom the patient is known to have a grudge and intentions of revenge; and that, in cases of theft, the object should not be a valuable one, or one which the patient would be apt to select if sane. As a rule, whoever and whatever happens to be nearest the patient, within his reach, at the moment of outbreak, are seized upon or injured. Yet even here some allowance must be made for occasional coincidences: it may happen, and indeed is likely to happen, that the persons most exposed to danger from outbreaks of epileptic fury are those who are all the time near the patient; and these are often the objects of his jealousy, hatred, and revenge. If a person thus exposed be murdered by the epileptic, the problem is obviously very complex. On the other hand, if a previously sane individual kill his enemy, with or without premeditation, the case is hardly one for medical consideration.

Third. Some of the criminal acts of the insane are committed in the course of simple functional insanity, as mania and melancholia, under the influence of hallucinations and delusions. The patient believes, as firmly as sane persons believe anything, that his life or property is threatened; that he or his family is in danger of starvation; or that he is commanded by God, or by a human voice, to do a certain deed. Acting upon these delusions with a will that, though insane, is imperious, he kills some one to protect himself, or to revenge himself for imaginary insults (hallucinations of hearing); he slaughters his family to save them from the poor-house; or he does a crimimal act against the persons of others or himself, or against property, in obedience to the command received.

Such insane criminal acts are often just like acts of the sane —*i. e.*, they are done consciously and from a conviction of their necessity. The preceding hallucination or delusion is a premise for the insane person—an action is necessitated by its acceptance. Our definition of a delusion, be it notional or sensorial, involves its reception as truth by the patient.

Fourth. A very dangerous class of lunatics are those who fancy that they are persecuted, with or without hallucinations of hearing. Many patients of this class exhibit at first very little general intellectual disorder, and continue to do their business and to converse well, or fairly well, long after their peculiar craziness has made them dangerous to society. They may imagine that the police watch them, that the Jesuits pursue them, that people in the street stare at them and call them ill names; or they are tormented in their sleep and annoyed in business by secret enemies. Sooner or later, if not confined, such an insane patient fastens the responsibility for these persecutions upon some one person, or upon a number of persons, and, logically enough, reasoning from his delusional premise, he attempts to punish them to protect or to revenge himself.

Fifth. Persons afflicted with general paresis or paralytic dementia (popularly known as softening of the brain) are often dangerous, either in the outbursts of mania or fury which occur in the course of this chronic disease, or when thwarted in an attempt to carry out practically the enterprises to which their exalted delusions prompt them. Most of the instances of violence by paretics belong to the third category, viz.: that of insane acts committed under the influence of delusions; but other acts of theirs fall under the following head.

Sixth. The enormous group of feeble-minded persons, whether primarily imperfect and weak, or become demented later in life, furnishes many of the insane criminals, and probably fully as many criminals who are considered sane by the law. This class admits of considerable subdivision. There are persons who seem "bright," and whose minds stand the ordinary tests for sanity, yet who are devoid of those finer feelings and those delicate shades of judgment which go to make up what is known as the moral sense. They are moral idiots, shameless and remorseless. In some cases this condition is the result of early bad associations or education, the moral sense not having been cultivated; but in many cases there is a deeper cause, one little remediable by training, viz.: the inheritance of evil tendencies or habitudes, sometimes through several generations. Criminal families are thus bred and fastened upon society. Other cases are characterized by unequal psychical development—it may be by extraordinary intellectual faculties combined with strong animal appetites and instincts, the whole ill-controlled by a feeble or

fluctuating will. Many such persons can discern right and wrong perfectly in the abstract; can be earnest in exhorting others to morality; yet fall themselves repeatedly—almost constantly. After committing an unlawful act, they may express their repentance in the most extravagant terms. Ordinary idiots and infantile imbeciles, whose minds are dwarfed in every way, —by morbid inheritance, by causes acting upon the mother during pregnancy, or by disease of the nervous system in the early years of life,—belong to this category. Later in life, after the attainment of average or good psychic development, dementia or gradual deterioration of mind may set in from various causes, as alcoholic and sexual excesses, cerebral fatigue, diseases of the brain, as epilepsy, general paresis, apoplexy, meningitis, etc., and injuries to the skull and brain. In all the varieties of this class of feeble-minded persons, actions, whether simply offensive or criminal, result from the practical execution of instinctive or reflex tendencies, not controlled, as in health, by knowledge of right and wrong, by fear of punishment, by a healthy will. In short, judgment and self-restraint are impaired or absent in these cases.

If now, from a more purely medical stand-point with reference to their curability, we make a further analysis of these six categories of insane persons who are liable to become criminals, we find that they are easily and naturally resolved into two unequal groups.

One group (chiefly from category three) is made up of simple more or less acute cases of mania and melancholia, of which about sixty per cent. are curable in first attacks.

The second group, much larger, embraces almost all the subjects in categories one, two, four, five, and six who are liable to frequent relapses (epileptics), and these are incurable, or uneducable. This group is further enlarged by the addition from the third category of cases of simple insanity which, from repetition of attacks, have become incurable, the prospects of cure diminishing rapidly with each relapse.

I believe that the criminal insane should be held just as responsible to human punishment—*i. e.*, preventive and educating punishment—as sane criminals. Society must protect itself against crime more intelligently, yet more rigidly, than it now does.

Consequently, no one need be surprised when I express the opinion that the criminal insane of categories one, two, four, five,

and six, constituting the incurable group, should be perpetually isolated or imprisoned after the commission of a criminal act. Were not my space limited, I could justify this proposition by illustrations of the natural tendency of cases in each of the categories named. The following brief statements must suffice: A member of category one, an epileptic, is of course liable to a recurrence of physical and psychical attacks, and if a destructive or murderous tendency have developed in such a case, it is very probable that in subsequent seizures the same tendency will manifest itself — since epileptic attacks have, in the same subject, a strong or even a stereotyped resemblance from year to year. If we are willing to recognize the existence of the cases which make up category two, we must also admit that the subject of this temporary non-epileptic fury may at any subsequent time again lose his self-control and become dangerous — as dangerous as an epileptic. The fourth and fifth categories embrace chronic cases whose incurability is established, the mental state which leads to the commission of crime persisting, with little change, during the patient's existence. In the sixth category, this persistence of the morbid psychic state is a characteristic. From such conditions — of tendency to a return of temporary mental disorder, and of permanency of a morbid psychic state — I am justified, it seems to me, in concluding that the large number of patients who go to make up this second group are, after once having shown criminal tendencies, perpetually dangerous.

Cases belonging to the first group — those unfortunate victims of acute curable insanity who commit crime under the dictation and logical stress of delusions — should, I think, be isolated for a long time, and released after an interval of mental health longer than what we know to be the usual length of remissions between recurrent attacks; and then only by the authority or upon the recommendation of a commission composed of competent medical men. To leave this tremendous responsibility to one man, the superintendent of the asylum where the patient has been detained, is to expose the superintendent to almost irresistible temptation, and to run the risk of having a dangerous lunatic set loose upon society.

When I speak of the temporary or perpetual isolation or imprisonment of the criminal insane, I do not mean that they should go into jails or penitentiaries on the one hand, or that they should, on the other hand, be placed in palatial asylums as

private patients to lead an idle, luxurious life. Instances of the first sort occur every day, and in all large prisons there are imbecile, demented, and epileptic prisoners. Examples of the second way of doing have not been unknown in this State, and much scandal has been caused thereby.

Special accommodations should be provided for the criminal insane, in the shape of asylums or hospitals equipped somewhat differently from those intended for sane patients. In some of the States there is some such special provision for this peculiar class, and it is to be hoped that the asylums now existing will be sufficiently enlarged, and that before long all the States shall have them. The subjects sent to those special asylums would, of course, vary infinitely in kind and degree—ranging from the intelligent (?) moral idiot who needs as much discipline as a sane criminal, to the epileptic whose attacks of psychic aberration may be controlled and indefinitely put off by proper medicinal treatment, and to the acutely maniacal or melancholic patient who may be cured by seclusion, sleep, and food. Many of the patients should, by some means to be devised (perhaps limited compulsory labor), be made to feel their subjection to law. To carry out such a scheme for the care of the criminal insane would require in the chief officer of the institution a rare blending of humaneness and firmness of character, of practical medical skill, and of keen psychical insight.

The important questions as to who among criminals are insane, especially in the proposed categories two and six; as to the manner in which judge and jury shall be aided by medical men in their endeavor to reach a just verdict; as to the sort of supervision and control under which a criminal-insane, reported cured by an asylum superintendent, shall be set free,—these and other questions do not come up for consideration in this essay.

In conclusion, I would repeat my opinion that society must protect itself as fully against insane as against sane criminals; and that the means adopted to realize such protection should be rigid, yet adjusted to the pathological state of the criminal patient, and in accord with the more humane ethics of our civilization.

E. C. SEGUIN.

DR. JEWELL.

ALL really fruitful discussion in regard to the legal responsibility of the insane must be primarily directed to the determination of the condition of the moral sensibilities and powers of insane persons. That many of the insane are not morally responsible, would probably not be disputed by any one. But whether all insane persons are morally irresponsible, has been and ought to be questioned, especially when opinions vary so widely as to what are the phenomena to be included under the term insanity. It is admitted, of course, that the individual is responsible, in the presence of his own sense of right and wrong, for the consequences of acts done deliberately while in what is vaguely called a healthy state of mind, provided he has had all needful opportunities for knowing the moral nature, and foreseeing the results of his conduct.

All the arrangements of society, as such, are constituted in view of the great fact of individual responsibility. No speculations, however ingenious, can obscure this fact to the eye of common sense. A broad, practical distinction emerges at this point between the acts of an adult individual having sound mental health, on the one hand, and those of children, natural idiots, and the lower animals, on the other. Acts which, when done by one at years of discretion, and deliberately dictated by intelligent purpose, are unhesitatingly considered criminal and worthy of punishment, are not regarded as morally wrong to the same degree, if at all, when done by young children or idiots. The foregoing notions appear at every turn in human experience, and are contradicted only by the results of certain misdirected speculations on man and his relations, based upon either physical or metaphysical, rather than practical, grounds.

Before proceeding further, it seems needful to consider what is the essential meaning of the word "moral." It is the term applied more particularly to that form of sensibility of man's mental nature by which he discerns, in his own conduct or in that of his fellows, those qualities to which the names right and wrong, good and bad, have been assigned. Such are called moral qualities, and the general form of sensibility, by means of which alone they are discerned, is denominated moral sensibility, the "moral sense," or the "conscience."

Connected with this, as with all other forms of sensibility, we have volition and thought, which, at least in the sane or healthy

individual, are brought into play under stimuli or excitations arising out of the domain of feeling or sensibility,—that is, when feeling has been aroused by appropriate objects. Such excitations, when they arise from within the sphere of moral sensibility, inciting the individual to action, are called moral motives.

Under the most favorable circumstances, volition occurs guided by thought, in which action is delayed in order to bring the past, as represented in one's own experience, or in that of others, face to face with the present, to guide the way to wise and beneficent results. At every step in conscious experience, including actions the termination of which is outside of the individual, constant recurrence is had to that polar spot in the moral nature of man which alone determines the moral quality of human conduct. All correct thought on moral subjects, all correct moral judgment, all correct moral conduct, has its genesis and obtains its guarantee of correctness in the seat of moral sensibility. This is true, not only for the sane individual, but for the insane; not only for the psychologist or the moralist, but, though it lies outside of his domain, it is the source from which the jurist must draw the warrants for his judgments, if they are to rise above the level of mere judicial dicta.

It is immaterial to the present discussion whether moral sensibility is one of the original endowments of the mind, or whether it has been gradually acquired in the development of the human race. But admitting its existence, it may be next affirmed that, with the other mental faculties, the moral sense in all probability has its chief seat in the brain, more especially the envelope of gray matter on its outer surface called the cortex. It is true, many arguments rather than facts have been offered in support of the view that the masses of gray matter in the "base of the brain," in the medulla oblongata and spinal cord, or even in the ganglia of the so-called sympathetic system are, equally with the cortex of the brain, the organic seats and material mechanisms at least of the emotions. But it may be confidently affirmed that the preponderance of evidence is decisively in favor of the brain as being the sole immediate seat of mind—that is, of consciousness and of strictly mental operations, at least in man.

Now if we have moral sensibilities, or a moral sense before which may be brought intended actions of our own, or which we may apply as a touchstone to our judgments of the actions of

others, with the aim of determining whether they are in either case good or bad, right or wrong, it seems not improbable that these, like other forms of sensibility, may be more or less completely absent congenitally or as a result of disease, or that for similar reasons they may exist with a morbid degree of acuteness, or be or become perverted so that they are qualitatively different from the moral feeling of the average individual. It seems probable that disease or disorder of the brain, whether directly or indirectly produced, might in these different ways occasion disorder of the moral sense, as morbid states of the brain are known to produce similar disorders of the general and special senses—as of touch, pain, vision, hearing, taste, or smell; or, to go higher up, in the domain of the appetites, passions, and emotions, as is seen in the extraordinary departures of the sexual appetite, on account of disease, from its average state among persons accounted healthy.

No fact is better known in experience with insane persons (using, as I now do, the word "insane" in its broad medical sense) than that cases are not infrequently met with in which the sense of right and wrong is in the most unmistakable manner enfeebled, perverted, or even apparently abolished, or in which, on the contrary, it is morbidly acute in a high degree—the fact of a wide departure from the normal type of feeling being ascertained from a comparison of the individual with his former self, and with the average of other apparently healthy persons, who are studied as far as possible under the same conditions as those to which the insane person has been subject, except such as consist in congenital peculiarities and imperfections, or acquired disease of the brain in the insane person, to which his peculiarities of feeling under certain given conditions must be referred. It thus becomes of the highest importance, in the study of cases of persons alleged to be irresponsible on account of insanity, to direct the closest attention to the condition of the moral sensibilities at the various points, in the outer relations of an individual, in which they are likely to be brought into play. There is no other way in which to determine sanity or insanity, and each case must be studied on its own merits.

The difficulty does not lie so much in determining the fact as in determining the degree of irresponsibility, in those cases which lie near or within that rather wide neutral zone in which sanity and insanity merge, often insensibly, into each other. No criterion has thus far been found, nor in my opinion will be, by

the application of which to concrete cases the inherent difficulties they present can be surmounted. There is, however, a general criterion for determining the fact of moral insanity, and it is that a person to be considered irresponsible for his conduct must be unable to distinguish the difference between the right and wrong of an act.

I now turn to cases in which morbid changes in the moral sensibilities are either not present, or are not the most prominent characteristic of mental aberration. This class of cases as a whole is the most perplexing to the student, for in many the moral sense seems to remain in part, or even wholly, in a normal state.

At least three great groups of cases of insanity deserve notice, which do not necessarily involve the moral sense. They are as follows:

First. Those cases in which the individual becomes the subject of a more or less enduring impulse, or strain of urgent inclination, toward a particular wrong or criminal act—to pursue some course of wrong conduct in spite of the disapproval of his own conscience or moral sense. Such persons will often frankly admit that they had positive convictions, before and at the time of doing an act, that it was wrong. Such an admission, of course, sets aside that capital legal criterion of responsibility which holds that, to be irresponsible, the individual must be in such a state of mind as not to know that his act was wrong. But there can be no reasonable doubt that cases occur, with considerable frequency, in which, on account of disease, or, at any rate, disordered action of the brain, a more or less sudden and powerful (or in rarer cases an enduring) impulse arises in the mind, bearing the individual onward to action in spite of the remonstrance of the conscience, or the force of habit, or of any presumed fears of the penalties of the law. The only correct mode of studying this class of cases of mental disorder adequately is to consider them in the light afforded by the facts of child life, in which impulses are relatively so strong, and control relatively so weak, proceeding from this phase of normal human experience to the action, or tendencies to impulsive action, of which all persons have had more or less experience in the way of speaking or acting under impulse. With the knowledge gained in this way, the study may be carried up to cases of actual dangerous aberration, involving insane impulse. Fre-

quent examples of this form of insanity (often, though not always, including lowering or even temporary obscuration of the moral sense) are found in connection with epilepsy.

No group of cases of insanity presents more surprising or startling features than this, or offers greater difficulties to the medical jurist, especially if the moral sensibilities remain, as they sometimes do in such cases, comparatively free from obscuration. No fixed criterion of moral responsibility can be laid down, to be employed by persons unacquainted with this subject in dealing with these cases. There is no present prospect that one ever will be. In this, as in the former case, the only scientific and practical mode of procedure, is for persons practically familiar, as far as may be, with healthy and morbid mental action, to ascertain all the facts of a case, and then compare the results of the study with the results obtained in the same way, as to the workings of average healthy minds, under as nearly as possible the same conditions.

Second. There is another general form of insanity closely related to the one last mentioned, one of the most dangerous and difficult—namely, "delusional" insanity. It includes, as a necessary factor, a more or less fixed belief in a certain state of facts which really does not exist as the individual supposes. In this delusion are generally involved personal rights or duties, so that the false belief dictates often the most extreme action in either suicidal or homicidal directions. There can be no doubt whatever, in the minds of those who have studied the facts, that cases of this form of insanity occur in which the individual is led to the commission of grave crimes, and in which the subject is absolutely devoid of moral responsibility, no matter in how sensitive a condition the moral sense may be found, upon presenting to it a case involving the distinction between right and wrong. This form of insanity is perhaps of all others the easiest to simulate, and, when simulated, the most difficult to expose.

Third. There is another great group of cases, in which profound modifications of the moral sense do not exist, nor any single definite morbid impulse arising from disordered emotion, so often seen in impulsive monomania or the simpler forms of insanity of feeling; but in which the chief feature is lack of consecutiveness in mental action. No single train of thought or feeling is adhered to for any considerable period in time.

Before one mental process has been completed, it is abandoned for another, and this again for another. This condition is found to exist in mania with delirium. Delirium, however produced, involves moral irresponsibility in various degrees. It also frequently exhibits delusions, insane impulses, obscuration of the moral sense, etc. In short, this form of insanity, in which want of consecutiveness in mental action is, perhaps, the most prominent characteristic, is complex. This group of cases presents comparatively few difficulties to the medical jurist, or even to the ordinary observer.

The groups of cases of insanity which have been outlined do not exhaust the list. But in all, moral responsibility is more or less impaired. It is not for a moment pretended that the groups named are at all points distinct. Pure types of the different forms of insanity are not often met with.

I now proceed to collect and to briefly discuss the criteria of responsibility which have been applied in our courts, in criminal trials in which insanity of the criminal is alleged. They are:

First. Has the prisoner the capacity to distinguish right from wrong, especially in relation to the act for which he is brought to trial?

Second. Did the prisoner act under a delusion, or under a belief, based on a false view of the facts, such as would have justified his conduct if the facts had been as they were erroneously believed to be by the prisoner?

Third. Did the prisoner act under the influence of some impulse which he was powerless to resist?

To well-marked cases of insanity these simple criteria are of easy application. But in irregular and complicated cases, or in periodic insanity, or in those cases in which the symptoms rise but little above the level of eccentricity, they are almost useless. The right method of procedure, in endeavoring to determine the fact and degree of responsibility, is, as already stated, careful study of each case on its own merits, and the application to it of the practical criteria to be obtained from a study of average healthy human beings, observed, as far as possible, under conditions identical with those under which the criminal act was committed. As to varying degrees or attenuations of responsibility, depending on the degree of completeness of mental aberration in any possible direction, nothing more than an approximation to correctness of

judgment can ever be looked for. This question calls up the subject of partial insanity. No one who is familiar in experience and thought with insanity, it seems, could hesitate to admit that partial insanity may exist, not only in the sense of involving one single mental function or group of functions, but partial, also, in the sense of degree of aberration in any given direction. This fact of course affects the degree of moral responsibility. But the difficulty of the situation is increased rather than diminished by denying the existence of "partial" insanity. But the subject is too broad for adequate discussion within the limits of one brief article. It is, however, one of the greatest importance. Now, as never before, perhaps, will the people of this country be brought to think on the difficult and highly practical problems involved in dealing with the insane criminal.

Before closing, I will step aside from the main purpose of this paper to inquire, what can be done to raise the jurisprudence of insanity from its present low condition, in which justice is so often baffled or defeated, and the procedures and findings of the courts made the subjects of open and contemptuous criticism?

One great step in the right direction will have been taken, when the laws are so modified as to empower judges of the courts in this, as in many foreign countries, to call to their aid medical men, the best trained in the study of mental disorders, who, when called, shall have every facility for a study of the case in hand, and whose positions shall be as independent as that of the judge himself.

To an expert commission thus called should be assigned the task of aiding judge and jury (after due questioning by court and counsel), not only to learn what are the facts, but how to estimate or value them. One chief source of the abuses and scandals of expert testimony will be summarily removed, when the doubtful privilege and duty of calling experts is taken from the interested parties, and devolved instead on the court, and when the courts shall cease to try hypothetical cases drawn up by counsel rather than the *actual* cases themselves.

That insanity often involves practically complete moral irresponsibility there can be no real question. That, on the other hand, the plea of insanity is often falsely made and successfully urged as a defense against the extreme penalties of the law for some flagrant crime, when there is no real ground for such a plea,

is notorious. That public sentiment has become justly inflamed against the "insanity dodge" is plain to all. But inflamed public sentiment cannot, in a case like this, provide, though it may demand, a remedy. It is the shame more than the misfortune of the criminal jurisprudence of insanity, that the truly insane should be made to suffer so often the penalties of the law, and that the criminal in whose behalf the plea of insanity is falsely made is so often successful in escaping merited punishment.

J. S. JEWELL.

DR. FOLSOM.

THE whole difference in the treatment of the insane now and fifty years ago consists in a recognition, at the present time, of the fact that, within narrower limits of self-guidance and self-control, they are precisely like other people. The change in the practice of the courts, in the same time, regarding their punishment has arisen from an appreciation of their inability, outside of these narrower limits, to act like themselves when they were sane—for they must be compared with themselves at a previous time, rather than with others; and experience has shown that the responsibility of the individual is very differently affected, according to the nature of the disease from which he is suffering. Just as the study of the brains of insane people after death lends probability to the opinion that there are definite changes in them corresponding to the various mental diseases, so there are, during life, certain symptoms in the operations of the mind that characterize each form of insanity, which are as different, one from another, as the distinguishing features of rheumatism and pulmonary consumption. To group together all persons of unsound mind, in analyzing their mental state, would be as unscientific as to expect the same physical limitations in club-foot and typhoid fever, and the result would be just as disastrous.

After insanity has advanced far toward producing a condition of the mental faculties similar to that of the idiot's, whose actions are largely imitative, and who may kill a child because he sees the child kill a hen, probably every one would as readily recognize the irresponsibility of the insane as of the idiot, although, as a matter of fact, their lives are then to so great an extent auto-

matic that they very rarely accomplish serious harm, as compared with an early stage, when their insanity might not be suspected. Up to that point, what most of them do is commonly more or less from plan, often with motive and premeditation, not seldom with a tolerably clear knowledge of abstract right and wrong, and implying in very many an understanding of the nature in general of men's deeds, although with an incapacity to estimate all their own acts by the same standard. Within certain bounds, they are guided by considerations of self-interest.

Like all other diseases, insanity, excluding idiocy and imbecility, is marked by a change from a previous state in which its symptoms did not exist. It is entirely different from reckless ruffianism, systematic brutality, defiant wickedness, indulgent self-will, or any of the types of vicious character, of whatever degree. The mere exaggeration of inherited or acquired faults is not sufficient to constitute insanity. Contrary to the popular notion that we can never tell what an insane person is likely to do, the very opposite is strikingly true, namely, that any one familiar with mental disease, after once having made his diagnosis, can predict with such a degree of certainty what course the disease will take, that he can foresee the dangers to be met in its progress and effectually guard against them — although the community refuses to regard as insane those whose conduct does not consist chiefly in the unexpected. The diseases of which insanity is the prominent symptom are self-limited, ending in quite definite proportions in recovery, death, or hopeless incurability, while a large percentage of crimes by those of the insane who are not in safe custody can never be prevented, they differing from the criminal class in the character and strength of the motive restraining them as compared with their impulse or incentive in the opposite direction. The fact that the two classes are constantly confounded is due mainly to a confusion in terms rather than in things.

In a not uncommon form of insanity, ending in complete destruction of the mind, one of the early symptoms is a slight loss of consciousness for a few seconds, or vertigo of several minutes, in place of which excessive irritability or momentary outbursts of uncontrollable violence are observed — even to the extent of violent assault, entirely unprovoked or for a trivial cause. Later there are marked forgetfulness, inattention to the proprieties of life, exalted egoism, seeming like pure self-will,

and such complete loss of the sense of ownership or value of property that disaster or crime may come before the disease is recognized by any other than one quite familiar with it, and yet where there is absolute irresponsibility. A man of irreproachable character is pleased with a pretty young woman below his station in life, and marries her at short notice, entirely forgetful of his wife at home, or shows some still greater obliquity of the same kind; another steals whatever strikes his fancy at the time, and is ready to forcibly resent any interference with his imagined right to do so; ruins his family by reckless bargains and expense; enters into extravagant plans which are, as a rule, quickly abandoned for others, or attempts to murder a friend who tries to control him, and then dies in three or four years, at the natural termination of his malady—a complete mental, moral, and physical wreck, from the beginning to the end doing only what he of necessity must by virtue of his disease; just as a consumptive coughs or an epileptic falls in a fit—easy to recognize as unable to control and guide himself, and yet often punished as a criminal because he can add, subtract, multiply, talk rationally, act with plan or motive, and seek what seems to his disordered mind his own interest.

The insane man, capable of crime, who, according to Lord Hale's definition, is deprived of all memory and understanding, and no more knows what he is doing than an infant, brute, or wild beast, constitutes so small a part of the inmates even of insane asylums that he can hardly be said to exist. Generally, the violent acts of the most dangerous will be found to proceed from some illusion of the senses, whereby a friend, for instance, is mistaken for a murderer, or from some delusion in obedience to which acts are performed which might be natural to a person of impaired judgment, or to a certain extent justifiable, if the facts suggested by the delusion were true. That, however, is by no means always so. While the mind, particularly in epilepsy, mania, and stupor, may be so chaotic as to seem for the time capable of hardly a sane idea, oftener there is some sort of logical reasoning from false premises, or insane deductions from correctly observed facts, or both judgment and perception are diseased. A young lady, for example, left alone with her new-born child, without having previously shown any trace of insanity, built a fire in the kitchen stove, heated a clothes-boiler of water, threw her infant into it, and, upon the return of her servant, was

found sitting by the seething, shapeless mass, smiling. There were other evidences of insanity found, upon examination, and she was sent to an insane asylum, where she said, six months later, that she had committed the deed because she had the suspicion (entirely groundless) that her husband was attentive to her maid. Here are plan, deliberation, motive, patient waiting for a good opportunity, general good behavior, and then incorrect reasoning from false premises, irresponsibility for a particular act, and final recovery; and the crime was a consistent part of the disease. If, however, the Pocasset murderer had killed an enemy with whom he had a quarrel, or for money, he must have been held to answer for the crime like other men, in spite of his insane delusion about the Lord's commanding him to sacrifice his loved child.

Where there is marked incoherence, and when the crime committed is contrary to the known character of the offender, usually no doubt can exist as to mental condition and responsibility; but there is a large class with fixed, systematized delusions, yet otherwise rational, whose condition is almost hopeless, so far as recovery is concerned, and whose history is one of increasing mental deterioration until death. If they have false sight or hearing, they resist its influence until, in the progress of disease, the mind is so weakened as to yield to an always present voice, or to the seldom failing vision, suggesting crime. A delusion or false belief may be so overpowering, as it often is with the insane, that nothing has sufficient force to resist it, for the time being.

Pure uncontrollable impulse is also a source of crime among the insane, especially of suicide, homicide, theft, and arson. In certain forms of mental disease, the sudden impulse to kill oneself or another, without any motive or deliberation or delusion, is at times quite beyond control; but it is often controlled even in very insane persons, as in the case of a patient in an asylum with mania, who threw his knife and fork violently out of the window so as to lose the opportunity of the crime to which he had a strong impulse—to kill the physician just entering his room. This feeling may be so strong, even toward a tenderly loved child, that the mother, if otherwise rational enough, begs to be kept out of its sight. Allied to insane impulse, and often grouped with it under the name of moral insanity, is a condition of simple loss of control of the higher functions of the mind over the lower or organic, periodic with intervals of depression, appearing in quite

young people of neurotic tendency or developing in boys at puberty, in girls at the time of any physiological change, and, as a rule, in connection with or ending in some other form of insanity or suicide. These cases are to be carefully distinguished from murderers of the type of Pomeroy, who differ from other homicides only in the extreme brutality of their crimes or in their love of torturing their victims. Uncomplicated with other mental diseases, moral insanity is, in my opinion, so seldom observed as to constitute one of the curiosities of medical experience; and then it is associated with symptoms so well marked as to make a diagnosis not difficult, although the term, like masked epilepsy, is frequently resorted to as a cover for respectable drunkards, or thieves, or murderers, or to furnish a willing jury an excuse to acquit of homicide the man who kills his wife's seducer or the young woman who shoots her betrayer.

So long as the responsibility of the insane is decided upon the grounds: *First*, that there must be other evidences of insanity than the crime; *secondly*, that the whole group of symptoms must correspond to definite disease; *thirdly*, that the crime must be a part of the natural history of the disease; and *fourthly*, that a reasonable degree of self-control should be exercised, according to the capacity for it in each case—we are on a secure footing; and these points must be decided by competent authority, from full consideration of all the circumstances and conditions of each case.

Beyond that point there is endless confusion, for it is not safe or wise to hold a man who is insane irresponsible for every act he may commit, especially if the act be consistent with his known character, or not conforming to the type of insanity to which he belongs—a case in point being that of a gentleman, in one of the stages of melancholia, who was tried and convicted in Edinburgh, upon the testimony of medical experts, for an assault on a young lady. If we once assume that a morbid idea, impulse, delusion, or degree of moral obliquity is evidence of insanity, there is no stopping short of saying that no one is sane, or perfect, and that every criminal is insane because he is out of sympathy with the moral conceptions of his time.

If a man thinks without reason that he is a great financier he is, though deluded, by no means necessarily insane, as is one whose delusion is that he is President of the United States. To excuse a man for murder on the ground that he has the belief,

whether well founded or not, that he is an illegitimate child, for example, especially if he is himself licentious, is simply absurd. Indeed, every one in his worst moments says and does things inconsistent with his best; and the delusions of sane people are hardly less extraordinary than those of the insane—differing from them in not being characteristic of disease, in being kept within bounds, and in not being marked by morbid progress.

The essential feature of insanity is loss of power of self-guidance and self-control, which, in all degrees, I should be unwilling to accept as necessarily indicating mental disease, unless I found other proof of it. On the other hand, insanity must not be confounded with the delirium of fever or the incapacity due to alcohol and drugs. Nor is the insane man's loss of self-control complete, but rather partial, it being necessary, before crime is committed, that there should be present at the same time: *First*, the motive or impulse, including delusions, illusions, and hallucinations; *secondly*, the opportunity; *thirdly*, the lack of power of resistance. The homicidal or suicidal impulse is very apt to disappear with the mere presence of another person; the most violent frenzy subsides in seclusion; weeks will often be spent by the insane in waiting for favorable opportunities for a premeditated murder; the determined insane-suicide sometimes disarms suspicion by neglecting chances for self-destruction for a long time, in order that he may kill himself in a particular way—a fact that is so strikingly true that, of the criminals acquitted of crime, by virtue of insanity, in England, and sent to the asylum for criminal insane, very nearly one-half were not suspected of being insane at the time of their offense against the laws. In insane asylums, some of the inmates can at times exercise great control over themselves, although not always to be depended upon to do so; and the vast majority are, within certain limits, amenable to the mild discipline of these institutions, where the reminder and incentive to behave well are ever present; but this kind of treatment is only successful where physicians and attendants are trained by long experience to avoid sources of irritation, and to be on the constant watch for indications of excitement or violence. It is quite true, also, that many of the otherwise quite irresponsible insane can conduct themselves for a great portion of the time with propriety, if there is some one constantly present to indicate the necessity of so doing, while without that immediate influence they are quite at sea. Their daily lives must be full

of slight rewards and gentle punishments, but the laws fail to deter them from acts of a criminal or evil nature, because their influence is too remote. Their responsibility was assumed and their punishment demanded by the world for a dozen centuries, with a result which was simply degrading to society, inefficient of its purpose, and calculated to lower the respect of the community for the law. If it be maintained that the criminal-insane must be "destroyed as one would kill mad dogs," for the comfort or protection of society, we cannot consistently stop short of carrying the same principle into our prisons, reformatories, asylums, workhouses, syphilis hospitals, foundling homes, and even private houses. Still, society must protect itself, at whatever cost to the individual; but it would be hardly justified in hanging criminals who are distinctly insane on the ground that it had no secure place of custody for them.

In delusional insanity, particularly, it is not always easy, as a matter of exact medical diagnosis, to say just where accountability ends and irresponsibility begins, when groundless jealousy has been fostered into insane delusion, or at what point silly romancing, revengeful hate, or depravity and lust have been indulged to the extent of producing real mental disease; but before such cases get into the courts there will be hardly any reasonable doubt where they belong.

Entirely outside of actual insanity, there are very many conditions affecting responsibility. Fully two hundred and fifty thousand children die under the age of five years each year in the United States—at least one-tenth with marked cerebral symptoms, and a very large proportion from diseases which can hardly fail to leave a serious impression upon the constitution and mental organization of some of those who survive. Having escaped fatal injury to the head at birth, and having lived through the diseases and accidents of childhood, to be almost certainly neglected during the critical stages of development, to take their chances of evil associations, faulty training, and bad habits, —perhaps to be stunted mentally and physically by early overwork and innutrition, to risk exposure to excessive heat, cold, rain, and snow, to have their daily path to work or play beset with ginshops and demoralizing literature, to be poisoned by bad air in schools or tenements,—it can hardly be strange that men and women reach maturity so differently prepared to bear its strain upon mind, body, and emotions; and that physiological processes

producing changes in the cerebral circulation, fevers, rheumatism, injuries to the head, sunstroke, excess in eating and drinking, syphilis, starving, drunkenness, lust, indulgent wealth or grinding poverty,—causes differing widely in the degree in which the individual can prevent them,—produce not only genuine insanity but also the deteriorated brains that fill our almshouses, infest our alleys, and constantly perplex jurist and doctor.

That the possessors of such brains are of varying degrees of accountability cannot be doubted; that many of us owe our escape from their number more to the accidents of heredity, association, and education than to any merit of ours is equally true. While granting circumstances and conditions extenuating crime, limiting responsibility, and possibly modifying punishment in such cases, I should not maintain that they are insane — a doctrine in the highest degree dangerous to society and of the worst possible influence upon the criminal class, who must be held up to the highest standard of good behavior possible, and who can and do govern their conduct according to their estimate of their chances of escaping what is to them real punishment. True, any one who has carefully studied the boys and girls in our reformatories, and the men and women in our prisons and houses of correction, must be convinced that a large part of them are of distinctly limited responsibility. Although this view of the case must materially affect the spirit with which society protects itself from them, and perhaps may somewhat change the method and character of their punishment, we cannot regard them as insane — we cannot lose the effect upon them of demanding that they shall exercise their wills to avoid evil ways; we know that most of them, when not drunk, can keep out of crime if they choose, and we are sure that they are not suffering from a well-defined disease as are the insane. Unfortunately, every one in the community feels competent to decide to which of these two great classes offenders against our laws belong, while only a few have had the opportunity to accurately observe the insane, to know the strange admixture of strength and weakness, of responsibility and irresponsibility, of chaos and logic inside their brains. It often happens that the very characteristics of insanity are singled out as proof of responsibility.

A man distinctly insane by the medical criterion is irresponsible for crime when the conditions defining his legal responsibility are at the time of the act:

First. Sufficient mental capacity for ordinary reason, reflection, and judgment. *Secondly.* The knowledge of right and wrong as applied to the particular act. *Thirdly.* The power of self-control within reasonable limits. *Fourthly.* The absence of insane delusion overpowering reason—the character and strength of the false belief to be judged in each particular case and not by any general definition of insane delusion, that being impossible. What would be an insane delusion in one man under certain circumstances might be entirely otherwise in another with different conditions. The farther from reason and probability and the more persistent a delusion, the more is it an indication of some unsoundness of the whole mind; but an insane man may be quite irresponsible, whether his acts were justified or not, supposing the facts suggested by his delusion were true, provided his mind were so weakened that he could not reason correctly from his false premises.

CHARLES F. FOLSOM.

THE NEW POLITICAL MACHINE.

In the maze of confused and conflicting utterance about civil service reform, only one thing is distinctly articulate—the distressing vagueness that obscures the whole subject.

There has been a cry for the abolition of slavery, for the Union, for silver and for gold. Here in each instance is presented to the mind a coherent image—something definite and tangible. But when one says he favors civil service reform, nobody knows what he means, if he is fortunate enough to know himself. All desire that the offices shall be filled by men both competent and honest; but the accomplishment of this is not civil service reform. For in these last years men of acknowledged capacity and integrity (Collector Arthur) have been removed in the alleged interest of civil service reform. We must grope our way through a multitude of words and phrases, gathering something here and something there, always in danger of stumbling, that we may haply reach a coherent whole.

Approaching the subject negatively, the method of appointment to civil office hitherto in use is held to be wholly inconsistent with civil service reform—so faulty that it admits of no amendment; it must be wholly set aside. It is reproachfully termed "the machine," and so odious is this, that one who believes in its continuance is himself affected with the taint of it, and is *ipso facto* unfitted for holding office, however worthy he may be in every other respect; and this in the face of the fact that every officer now in office came into office and honor through this discredited machine. While there is here much exaggeration, it is to be admitted that this machine has become rusty; that there are screws loose in it; that it, like all things human, is constantly in need of repair. But civil service reform will have none of this—only a brand-new machine.

When we inquire what this new machine is, the fog again confronts us. Some want fixed terms and rotation in office;

some want entrance to the service through competitive examination; some through the nomination of members of Congress; some would have Congressmen prohibited from interfering; some suggest that constituents cease importuning Congressmen for appointments; some would prohibit Government officers from taking part in political management,—according to a famous executive order not likely to be repeated,—and would exempt such officers from political assessments.

To add to the confusion of thought on this subject, the recent Massachusetts Republican Convention declared loudly for reform, and with much of detail; yet it at the same time declared that the late administration had "vindicated, in an unparalleled contest, the constitutional prerogative of the Executive office." (The reference here is to the appointment of Robertson to the New York collectorship.) Yet that appointment was made, confessedly, as a reward for political service; and to accomplish this, a competent and faithful officer was removed in the middle of his term; and to make compensatory provision for this officer, numerous disturbing displacements of officers in the diplomatic service took place. It would seem, from the Massachusetts declaration, that civil service reform is subordinate to Executive exigency.

Mr. Pendleton's bill applies only to the "subordinate" officers in the great departments—to the mere clerical force. But the teaching of the *doctrinaires* on this subject has no such limitation; it seeks to establish a graded service, with entrance only at the lowest round and progressive advancement; with tenure during good behavior—that is, life tenure, the same as that of the justices of the Supreme Court, so that, under this plan, all the executive offices below the cabinet—postmasters, revenue officers, the diplomatic corps—shall hold for life.

In a word, it is proposed to apply to the civil service the rules and methods of the military service. The propriety of this is the inquiry before us. At the threshold, it must be admitted that this proposition grates harshly upon republican ears. The regular army and the republic are traditional enemies. They antagonize each other at every point. The army, in its separation from the rest of the community, in its organic unity, in its power in arms and discipline, and its subordination to the will of one man, has, when large, in every age, been a power greater than the state itself. To-day in France the republic lives by the

sufferance of the army, and such is the jealousy of our Congress of our little army that its pay is with difficulty voted. It is now proposed to put our civil service, with its half-million of officers, it may be, on the same basis. Entrance into the army is through the narrow portal of West Point—so narrow that those who enter are favorites of fortune; within they remain for life, exempt from life's vicissitudes; advancing in regular gradation from office to office, from honor to honor, wholly separate from the rest of the community, subordinate only to one; by organization and discipline welded into one body, with one soul—that of its supreme commander. Henceforth, entrance into the civil service is to be through the narrow portal of competitive examination, practically limiting entry to the graduates of colleges, thus admitting a Pierce and excluding a Lincoln; the favored few thus admitted remaining for life; exempt, likewise, from vicissitudes; advancing, likewise, in regular gradation, higher and higher; a class separate from the rest of the community, and bound together by a common interest and a common subordination to one man, he also the commander-in-chief of the army—the President of the United States.

When this reform is accomplished, the President will have in one hand the army and its adjunct—the navy—obedient to his will; in the other, the far greater army of office-holders, ramifying to every nook and corner of the republic—a mighty political power also obedient to his will. This is the proposition, this the reform.

The picture thus presented may appear overdrawn. It is true that neither the army nor the civil service is subject to the mere will of the President, but to the law. It is also true that, in any regulations that may be made, the play of Presidential discretion will be much larger with the army than with the civil service. Still, under any possible scheme of appointment in the civil service, the power of *nomination*, under the Constitution, remains exclusively with the President. Those appointed by him will be held by him under the tenure of gratitude. Further, removals for cause, involving suspension from office during the vacations of Congress, will be under Executive direction, subject to the negative of the Senate. Experience has shown that when the President is willing to "trade" with the Senate, this negative is of no importance. Besides, every civil officer knows that his tenure of office is dependent upon legislative action. When the

President and Congress are of the same party, if the civil service officer does not do the political work which the President may require of him, there will be no difficulty in changing the tenure of office. All these considerations place the civil officer in a position of dependence upon the Executive, so that the great end of civil service reform, the extinction of the power of patronage, is not attained. The only effect is to increase the Executive power at the expense of the Legislative. It is the fashion of the hour to applaud this. It was not so but yesterday, when all patriotic men rejoiced that Stanton could lawfully "stick," in obedience to Sumner's famous message. It is true that the friends of civil service reform do not contemplate the use by the President of the civil service, either for personal or partisan or political ends. Yet they forge a weapon which he may thus use; which a Johnson or a Jackson would undoubtedly thus use. It is a maxim of the republic that, so far as possible, the frame-work of Government shall be so constructed that a bad officer will have no power to do harm. But the new plan of civil service is an application of the methods of monarchy. It is even commended because it is said to work well in England. Possibly. For it harmonizes with her institutions, with her hereditary classes, possessing hereditary wealth. A pyramid, whose base is a vast official organization, civil and military, with life tenure, has naturally the throne as its apex. But a similar base here with a President for four years is a truncated cone.

Under present system the members of Congress suggest the nominations, and they and their party reap the rewards of patronage; under the new system the President alone would reap the advantage. Where the gain? Why the change? No doubt the present practice is full of abuse, but would the new one be less? Is there not greater danger in the increase of Executive influence? Already, when only the initial steps have been taken in the new movement, does not every one feel instinctively that the Executive power would receive an immense increase of weight, and that the Legislative would suffer a corresponding diminution, were Congress to yield? But this arrays it against the President when neither desires the conflict. Congressmen resent the suggestion that the President is more competent than they to make appointments within their districts, or that his integrity is greater. The matter is not without difficulty. The President cannot have

personal knowledge; he must rely on some one in making the nominations; the members of Congress have this knowledge, are personally known and responsible to their several districts. If the President rely upon them and make improper appointments, the fault is with the people of the districts. If he seek information elsewhere, it is irresponsible to the district, and leads to office brokerage and the scandals of a kitchen cabinet. The much-denounced "courtesy of the Senate" is the single barrier of the Senate against Executive usurpation. Without this the Senate loses its independence. The slang about Senatorial "Bosses" is deceiving the public; as if it were better to have one supreme "Boss," an autocratic President; as if great parties could be organized and be effective without leaders; as if it were constitutional for the President to push his fortunes or emphasize his dislike toward a Senator by a nomination offensive to him, and yet usurpation for that Senator to refuse his vote of confirmation. The danger to the independence of the Senate is the colossal power of the Executive patronage. The ease with which this overcame, in the Senate, the most powerful Senator of his time, is of recent memory. The lesson will not be forgotten; in the absence of the "courtesy of the Senate" no Senator will again provoke this power, and the Senate sinks to the level of the Senate of the Cæsars. It is true that a graded service and life tenure fixed by the Constitution might abridge this power. But here the question arises, Is not this remedy worse than the evil?

There is one consolation, however deplorable the abuse of the power of patronage may be, whether wielded by the President or by Congressmen: the results have not been so disastrous as were apprehended. Even the "vicious circle" has not the extent nor the extensive influence assumed. Those without it are more numerous than those within it, and crush it. "The commanders of the captains of tens and hundreds" seldom secure reëlection. The bane of Congress is not that the members have too many terms, but too few.

When General Jackson gave practical application to the principle that to the victor belong the spoils, the opposition were filled with the most gloomy forebodings. The Executive would be so strengthened that a President could perpetuate his power; the elections, involving great personal interests, would endanger society, and the public service would every-

where become corrupt. Nevertheless, the practices of Jackson have been followed by every succeeding administration, through all the changes. Nor have these grave apprehensions been realized—but the contrary.

Before Jackson, the rule was a double term to the President, the exception a single term. Since then this has been reversed. Neither Tyler, nor Fillmore, nor Pierce, nor Buchanan, nor Johnson could secure a second term. For every office there are fifty applicants, and but one occupant; the fifty want a change of President, that they may have a chance for office. This force is too much for the occupants.

Nor have the elections been so violent since Jackson as before. Jefferson and his party in 1801 would have made a revolution had Burr been elected, though in conformity to the letter of the Constitution. After the unwonted and exasperating events of 1876, the acquiescence in the result was general, and the bitterness far less than followed the election of Adams in 1824. Nay, the danger now is not of too much interest in the election, but of too little. Men are so engrossed in their several callings that they have no time to give to politics, and the tendency is, from this cause, for the elections to fall into the hands of the idle and vicious. For this lamentable condition of things political it is sought to make the civil service responsible. It is said that the "vicious circles," political rings, drive good men from the polls; that, for example, the fifty thousand Republican voters of New York City are at the mercy of five hundred Federal officers of that city. Republican success in that city being hopeless, there are no local Republican State or city officers to take charge of the party politics. The management falls into the hands of the Republican national officers, and they rule the fifty thousand Republican voters. But here the effect is mistaken for the cause; the symptom for the disease. Is it not quite apparent that these five hundred rule these fifty thousand simply because the latter permit it? We live in an age of infinite division of labor, of fierce competition. The tradesman or the professional man must give his entire time to his business, or he falls behind in the race. These fifty thousand have no time to give to party management, and are very glad to have the Federal officers do their work for them. No doubt, in the absence of these Federal officers there will arise local rings in New York, who will hold these fifty thousand voters as a mercenary force to trade with the contend-

ing Democratic factions—and their last estate will be worse than their first.

It is a pleasing theory that in the republic every man is a politician and must do his own political work; that here there is no need of a special "political priesthood"; that the republic expects every man to do his political duty in the interest of the general welfare, and, if he will not, the basis for a republic does not exist. This theory assumes that the business of politics and party management is a very simple affair, or that capacity for this comes by nature to the American. It also assumes that every citizen has not only the aptitude and inclination for this work, but also the time and opportunity to give attention to it. How would this theory work in the other relations of life equally important to the public welfare? The common good requires the faithful and efficient administration of justice, the maintenance of the general health and purity of morals. By the above reasoning, it follows that every citizen should give attention to these things, to the exclusion of lawyers, doctors, and ministers of religion. The fact is that the business of politics, including party management, has become both an art and a science of great complexity and difficulty, requiring, for its understanding and management, high capacity, reënforced by the training of a life. It requires a special class set apart to its study—a political priesthood. The duty of the public, here as elsewhere, is to employ only the politicians who do good work. Here, as elsewhere, the supply will follow the demand. No tradesman studies the wishes of his customers more keenly than the politician the wishes of his constituency. The politician in a democratic country is the ripe fruit of its civilization. If the politician is of a low type, it is because the people want such. Nor can such a people be protected from themselves by any outside interference short of subjecting them to paternal government.

It is the custom of Americans to sneer at the politician, at candidacy for office. With what result? To get rid of either? Not at all. Both are inseparable incidents of the elective system. But by our sneers we do get rid of truthfulness and manliness, and substitute falsification and political cant and hypocrisy. The professional politician professes to be engaged in something else. The candidate does not openly announce himself, but procures himself to be announced, and reluctantly consents. Indis-

criminating abuse, overwhelming the good and the bad in a common obloquy, drives the sensitive from politics and lowers the tone of public life. The first needed reform is to stop this. In this connection, let us remember that it is in the line of political achievement, if anywhere, that America excels. Nor is effort here retrograde. The lawful and peaceable settlement of the Presidential contention in 1876 is "the proudest event in our history"; yet the work of our much-abused politicians.

In the discussion of civil service reform, the friends of the new policy are wont to refer to the practice of England. Let us imitate them here. There the profession of the politician is side by side with that of the doctor, lawyer, and preacher, ranking them all. Gladstone is a professional politician. Mr. Forster, one of her most eminent younger statesmen, recently said, in his rectoral address to the students of Aberdeen University, that he was a professional politician, and that he presumed some of them would follow that profession. In England, men of the highest character present themselves as candidates for office and solicit support. All is done openly and in a manly way.

We may, in America, continue to sneer at the politician and a "political priesthood," but we are only sneering at our republican system.

If we have a political priesthood, it must be paid. Here, as elsewhere, the laborer is worthy of his hire. Or we must confine the profession to the rich, as in England. There is a transcendental theory of politics that the politician must labor without reward or the hope of reward. This is like that transcendental philosophy which reproaches the Christian religion because of its rewards and punishments. All this is præter-human! If the politician must be compensated for his labor, how? There are but two ways—he must fill the offices, or receive money directly. If the latter is preferred, then we shall have each year perambulating the country caravans of mercenary orators—not a pleasing spectacle. There is a fitness in the politicians filling the offices. It is in the line of their employment. The offices are of a political nature; even the humblest clerk will the better perform his work if he understand politics. Mill was the better clerk in the India office because he was a profound politician. The service itself will be the better performed. For every officer will do his utmost, knowing full well that failure will bring in the opposing party and with this the loss of his office. He will

have the same inducement to do his work well that belongs to every employment; for upon this depends his retention of office. The administration of the Government will be more effective if it is everywhere in the hands of its friends. The friends of the new civil service recognize this, for they are unwilling that its execution shall be intrusted to those who do not approve of it. They thus make a political consideration a ground of removal and appointment, and thus yield the whole question.

Under civil service reform teaching, it has come to be thought immoral to consider party in appointments to office; yet during the war the cry was, put only loyal men on guard.

"Party," says Burke, "is a body of men united for promoting by their joint endeavors the national interest, upon some particular principle in which they are all agreed. For my part, I find it impossible to conceive that any one believes in his own politics, or thinks them to be of any weight, who refuses to adopt the means of having them reduced into practice. It is the business of the speculative philosopher to mark the proper ends of government. It is the business of the politician, who is the philosopher in action, to find out proper means toward those ends, and to employ them with effect. Therefore, every honorable connexion will avow it is their first purpose to pursue every just method to put the men who hold their opinions into such a condition as may enable them to carry their common plans into execution, with all the power and authority in the state. As this power is attached to certain situations, it is their duty to contend for these situations. Without a proscription of others, they are bound to give to their own party the preference in all things."

It is true, the offices are made for the public convenience, and not for the office-holders. Still the number of offices is limited, while the number of persons of equal fitness to fill them is very great. There must be choice, and this must be governed by some consideration. Political considerations are as appropriate as any. There is something invidious in the suggestion that the President and certain great officers alone of all the laborers in a Presidential campaign shall receive honors and rewards. The ambition of the humble citizen at the cross roads to be the village postmaster is as legitimate as that of the great man to be President. The objection is made that if the offices be prizes for the successful party, it will produce frequent changes in the offices —

certainly a change with every change of parties; that this would be destructive of good service; that the public business should be conducted on business principles. How, it is inquired, would business houses fare if there were frequent changes of subordinates?

As a matter of fact, there are frequent changes in business houses. But, it may be asked, how would these houses fare if the head of each one was changed every four years? There is, indeed, not a single reason for life tenure in the subordinate offices that does not apply with tenfold force to the Presidency. The helpless inexperience in the past of many of our Presidents on reaching their great office was a pitiable spectacle. It will be replied, however, that grave political reasons require rotation in the office of President. Quite true; but like political considerations require rotation in the subordinate offices.

It is not true that rotation in office necessarily prevents efficiency. The introduction of new life is often healthy. However this may be, the American feeling of sturdy independence and personal equality is offended by the presence of an official class, with life tenure and a tendency to heredity. Successive generations of the same family are frequent in West Point. The civil service of England is characterized by integrity, but not by American efficiency. The officers, who have long been in office, move along in a somnolent way, doing their work automatically. "Government functionaries," says even the Tory historian Alison, "are all stamped with one image and superscription; they all move like automatons by the direction of one hand; original thought, independence of character, are unknown among them." Yet they bear themselves as superior beings, and, what is worse, they are recognized as such by the less favored rest of the community. Something of the divinity that hedges about Victoria's throne seems to attend her humblest officer. We do not want this here.

The London "Times" of recent date, in relation to China says: "The establishment of competitive examination in the ninth century, A. D., for literary honors and public employments, cramped the national mind and produced narrow heads as infallibly as bandages distorted the female foot." And it may be remarked that the adoption of competitive examinations in England was a concession to popular rights; previously the offices were disposed of by the aristocracy. But here the adoption of the same

system is in derogation of popular rights, limiting practically, as we have stated, the appointments to college graduates.

De Tocqueville apprehends danger to our institutions from the lust for office; it is to be apprehended that the office-hunters will overturn the Constitution of the country for "the sole purpose of making a clearance of places." This danger is met by rotation; it is provoked by life tenure. For this reason the principle of rotation was impressed upon the American soil in the early morning of discovery. In the famous "formal lecture" addressed by Ferdinand and Isabella and their minister (1501) to their newly made Governor of Hispanola, Ovando, are these words: "Also let there be change of authorities, so that many may have a share of profit and honor, and be made skillful in affairs." This pregnant sentence contains the whole philosophy of rotation in office. Or, as Carlyle expresses it, "That all men may have a share of what is going; and so the strife of freedom indefinitely prolong itself, and no harm be done."

The end of republican government is not artistic administration. The republic educates. Blackstone tells us that the jury may not reach justice with the certainty of the trained judge, yet it educates the people in law. Webster says ownership of the soil confers dignity, eligibility to office; the possession of office educates, confers dignity. With a reasonable rotation, every citizen of political aspirations and experience who reaches middle life and conducts himself well may hope to crown his family with the reflected honor which office confers. This prospect is a motive to good work. This is the peerage which the republic offers, not to a particular class, but to every one who serves her. Republican administration often offends the æsthetic eye, but it keeps alive that free spirit without which a nation is nothing. A despotism is decorous, but, as Montesquieu says, it cuts down the tree to gather the fruit.

Let American scholarship be loyal to the American spirit.

Perhaps the reader is thinking that this article is a plea for the spoils system. It is not so intended. It presents the facts; it recognizes the situation—the inevitable in our system. Do you doubt? Remember that, when Jackson introduced the spoils system, both Webster and Calhoun denounced it, yet both afterward, in power, practiced it, or acquiesced in its practice. Did they change their opinions or yield to the inevitable? Are you wiser or stronger than they?

This is written in the interest of reform; nothing so retards this as the failure of attempted impossible schemes. With a reasonable rotation in office (mere clerical offices are not here referred to), and a selection of officers from those equally competent and honest, based upon political considerations, there yet remains an ample field for reform, into which I do not now enter.

There is a thought on this subject, now eagerly pressed, and therefore, it may be, requiring a passing notice. It is sought to make the spoils system responsible for political assassination. Guiteau wanted the Austrian mission. True; but the next "crank" may want the Secretaryship of State. Shall that office, therefore, be for life? May we, by legislation, tame the vagaries of a disordered mind? If these are aroused by partisan strife, must parties cease? If by religious emotion, must religion be proscribed? Is election strife less fierce in England than here? There the motive is money, here office.

The extreme plan of civil service reform, so alien to our institutions, is the teaching of *doctrinaires* in politics—men outside of practical politics; men who sneer at parties and partisan work, and proclaim their independence. They are unaware that they thereby imperil the purity they seek. Parties protect the republic from corrupt legislation. In the monarchy, *noblesse oblige*, but the obscure member from Arkansas, or Oregon, or elsewhere is restrained by party obligations—he must vote with his party, and the party as such cannot advocate corrupt schemes. Salary and pension grab and Credit Mobilier bills are non-partisan. Again, the republic works well only with two parties—three or four imperil its usefulness. This has been the bane of the French Republic, and the third party (Parnellites) paralyzed for months the British Parliament.

I never read the utterances of these gentlemen (the *doctrinaires)* on this subject but I am reminded of what Cicero says of Cato—"wisely observed and elegantly described," says Lord Bacon: "*Cato optime sentit, sed nocet interdum reipublicæ; loquitur enim tanquam in republica Platonis, non tanquam in foro Romuli.*"

WILLIAM MARTIN DICKSON.

SHALL WOMEN PRACTICE MEDICINE?

THE continually renewed discussion, on the part of society, concerning the sphere, capacities, rights, functions, duties, and allowable occupations of women may well seem, from some points of view, rather ridiculous. We may justly ask why women require so much more discussion and preachment than men; and may even decide that the argument is largely superfluous, and the sermon often impertinent.

Further consideration, however, discloses several grounds of justification for this social habit, from which, in any case, it is quite impossible to escape. In the first place, women, as the most malleable part of the social organism, are destined to receive the first, and also the most lasting, impress of prevailing social opinions. They transmit—the phrase is becoming classical—the organized experience of the race. The least change in such experience affects them especially, and hence they must bear the special brunt of the criticism upon it.

In regard to the particular subject we propose briefly to consider, social opinion is of very real importance. Success in a professional career necessarily depends, to a large extent, on the taste of the community. There must be a readiness to consult women physicians; a willingness to educate them; a sufficiently wide-spread desire on their part to be so educated. If the social prejudice be very strong, no young woman will dare express the wish to study medicine. Should the vagrant fancy arise, it will be promptly checked, as something eminently improper,—like going on the stage, or dancing on the tight-rope at a circus. That considerable numbers of women do now study medicine and support themselves by its practice, is itself a proof that the prejudice of thirty years ago has somewhat abated. Women are admitted, in America, to the State universities of Michigan and of California, and sustain, moreover, three separate schools: one in Philadel-

phia, one in New York, one—the youngest—in Chicago. In Europe, they study at the universities of Paris, Zurich, Berne, Upsala, Leyden; have a separate school at St. Petersburg, and are admitted to examinations for degrees at the University of London, and also at Dublin. They are members of various medical societies, contribute to various medical journals, conduct hospitals, perform surgical operations, build up practice, and in other ways seem to conduct themselves and to be treated like other members of the medical profession.

Yet discussion still continues, and although the once continuous opposition has become intermittent, its crises are perhaps rendered more noticeable on that very account. The centennial meeting of the Massachusetts Medical Society was agitated by a renewal of the controversy concerning the admission of women physicians. Their cause found vigorous champions, but was defeated, when an equally vigorous opposition supported the majesty of precedent, by the tactics of parliamentary maneuvering. The siege at the gates of Harvard, destined to be as memorable, we believe, as that formerly laid against Thebes, is still maintained. The echoes of the fierce battle waged in the University of London have scarcely died away; a few years ago, the Society of German Naturalists, meeting at Berlin, voted to "purge itself of the presence of women"; and only last summer, public attention was called to the formal exclusion of women from the International Medical Congress, at its first meeting held in England. The measure, it is said, was taken in obedience to the wishes of the Queen, and certainly to those of the court physician, Sir William Jenner.

All innovations excite opposition. But it is difficult to account for the peculiar bitterness of the opposition which has been manifested to the admission of women to medicine, when it is remembered that this admission is no innovation at all. Women practiced freely in medicine so long as the practice of medicine was free, and entrance upon it was decided merely by natural taste for dealing with the sick and ministering to their infirmities. When, however, instruction in medicine began to be systematized, when universities took charge of it, and legal standards of qualification were established, women were excluded, because, at the time, no one thought of them as either able or willing to submit to the new conditions imposed. The monastic discipline out of which universities had emerged still

molded their etiquette sufficiently to render them inaccessible to women. The women themselves do not appear to have thought of presenting themselves as candidates for a university education. Thus, in the onward current of progress, the women physicians of the Middle Ages, or, in France at least, of all the centuries preceding the Revolution, were dropped on the bank. Women are now merely endeavoring to reënter the stream, by adapting themselves, whenever they are allowed to do so, to the changed conditions of things.

In this effort, the most serious obstacles to be encountered are not always the most real ones. In this, as in everything that women do, the question of capacity is often outranked by the question of taste. Whether woman, with all her organic imperfections on her head, can be theoretically supposed capable of the study and practice of medicine; whether, which is quite a different question, there actually exist any number of women whose capacity in this direction has been fairly tested and demonstrated, —these are interesting subjects of inquiry. But the most completely affirmative answer to such inquiry might still leave unsettled a question of much more importance for that large class of people whose convictions and actions are under the permanent domination of their tastes. These ask not, "Is she capable?" but, "Is this fearfully capable person nice?" Will she upset our ideal of womanhood, and maidenhood, and the social relations of the sexes? Can a woman physician be lovable; can she marry; can she have children; will she take care of them? If she cannot, what is she? "*Qu'est ce qu'une femme*," said a French journalist in this connection, "*qui n'est ni épouse ni mère?*" "God," declared a Boston physician, well versed in the counsels of Providence, "never intended women to practice medicine." Hence the inference that piety, if nothing else, demanded the exclusion of women from the Massachusetts Medical Society.

It is from the peculiarity of the conditions involved, that the handful of women now engaged in the practice of medicine may be considered in any way to affect or endanger existing arrangements or social ideals. Thousands of women, from manifold causes quite extraneous to medicine, remain celibates all their lives; yet no one reproaches them for refusing the duties of wife and mother. Thousands of women earn their living by non-domestic labor; one profession, that of public teaching, practically thrown open to women only during the last half-century, is already

thronged by them. Yet no one feels that the foundations of society are therefore liable to be overthrown. What is it in the profession of medicine which excites, at present, such different feeling and such bitter prejudice?

There are several things. In the first place, the profession of medicine has always been subjected to popular misconceptions, and the odium due to these is necessarily shared by the women who aspire to be physicians. Again, by a social fiction, it is assumed that the usual employments now sought by women are to be filled by them only while waiting for marriage, or as a resource in widowhood or desertion. Even such professional work as teaching is expected to be laid aside after a few years, and there is much, at least in the primary grades of teaching, to make such interruption rather desirable. But the profession of medicine must be chosen deliberately, and not at hap-hazard; from a strong and genuine taste, and not from the mere pressure of economic necessity; it must be seriously prepared for in youth; must be entered upon at the age at which at present many women marry; does not yield its best returns until full maturity has been reached; must be adopted, therefore, if at all, for a life-time. Hence is required either an accidental celibacy or a deliberate renunciation of marriage for the sake of medicine, such as is not dreamed of in regard to any other work; or else such an adjustment of domestic claims as shall render them and the practice of medicine by married women mutually compatible.

But further, apart from the special odium attaching to medical knowledge, the assumption of capacity on the part of women for any knowledge which leads to first-class responsibilities offends the average social ideal. Again: The idea of mental training as a means of developing force is rather new to the world in any aspect. It is practically almost unthought of in regard to women, who are habitually estimated by the measure of their native, untrained capacities. This is seen to be inadequate for the responsibilities of medical practice.

To consider a little in detail the foregoing topics. The assertion that medicine and physicians are permanently and profoundly misunderstood by the public may not at once be accepted. Yet, it is certain that, despite the familiarity of his presence and appearance, the laity know less about the doctor than about any one else with whom they have to do. They cannot understand why he wants to dissect, or to "vivisect," or to make post-

mortem examinations; why he stickles for a punctilious etiquette; why he is fascinated by repulsive objects; why he can find fathomless mysteries in the commonplace miseries which they have to endure; and how, by any process of reasoning, the recondite connection between these mysteries can be detected and made clear. The handling of familiar things in an unfamiliar way is a process inevitably bewildering to the uninitiated spectator. There is something uncanny about it. Moreover, the human body has ever been esteemed sacred. From the Egyptian embalmer down, those who have dared to intrude upon its mysteries have been branded as profane. When, from the pressure of evident necessity, the profanity has been tolerated, the toleration has only half-repressed a shuddering horror at the sacrilege. The violent popular excitement recently aroused in fox-hunting England against physiological experiments — with such effect that they have been practically forbidden by legislation — recalls the still more violent agitations in the last century against "body snatching," and the legislative repressions of anatomical studies. Mr. Tennyson, in one of his latest poems, draws a caricature of the most humane of professions in the person of a "red-bearded" student from "the hellish schools of France." In 1794, Mrs. Shelley, in her romance of "Frankenstein," stigmatized the sublime search after the origins of life as "dabbling in the filthy secrets of the grave." The same sentiment really animates the modern poet-laureate and the wife of the elder poet; although in recent times exquisite experiments have somewhat redeemed the theme of the spontaneous generation of life from the realm of "filthiness," and the "anti-vivisection" prejudice drapes itself in the pretext of philanthropy. But at bottom the feeling is identical. Life is a mystery; the attempt to penetrate mysteries is a sacrilege; and terror of the awful, unknown consequences of sacrilege is quite sufficient to overpower the reasonable apprehension about intrusting the care of sick bodies to persons who have been forbidden to learn anything about them.

Now, the introduction of women into a sphere regarded as at once dirty, horrid, and irreverent certainly shocks many of the "finest sensibilities of our nature." The feminine university founded by Tennyson's lovely Princess had, among all its schools, "not one anatomic." She could not bear

> "——to ape
> The monstrous male, who carves the living hound";

and only in the spirit of the sublimest self-sacrifice could she, fearing casualty, be induced,

> "——through many a weary month,
> To learn the craft of healing."

The poet does not seem to doubt her capacity for mastering this wearisome business, but evidently feels that the Princess would have been alienated from poetic sympathies had she found the task other than repulsive—had she delighted and gloried in it, as a real physician must do. In this estimate, he strikes the key-note of average popular sentiment.

That the study of the mechanism of the human body is not mere dirty work, but one of the most sublime occupations; that mysteries are not sacred, but embarrassing masses of ignorance destined to be dispelled; that the sensuous disgust attendant on anatomical and physiological research can be, and is, completely consumed in the divine flame of an idea; that human life is more precious and more deserving of reverence than any of the accidents, physical or social, by which it is environed—these convictions have been steadily pressed against the inert minds of the unreasoning multitude, until they have at last secured for themselves toleration, if not acceptance. The odium attaching to the study of medicine by women must be overcome by similar means. The charge of "unsexing themselves" by the acquisition of the particular kind of knowledge required in medicine is, after all, less formidable than that of "dehumanizing themselves," which, in one form or another, has so often been brought against men for the same thing. With those whose beliefs are not a matter of reason but of habit, the mere repetition of a fact until it become habitual is sufficient to insure acquiescence. This circumstance goes far to compensate the inconvenience of the prejudice engendered by the mere fact of unfamiliarity.

Touching closely upon the universal prejudice which is primitively rooted in the terror of sacrilege, comes another, which, at the present day, is held almost exclusively in regard to women. It is often said that the work of practicing medicine is necessarily so coarse and disagreeable, that none but coarse and disagreeable people are naturally fitted for it; or, if others engage in it, they must inevitably deteriorate to an inferior personal and social level.

Now, the people who advance these statements have often themselves been sick — have had, therefore, frequent personal intercourse with physicians. It is, therefore, pertinent to inquire whether these delicate ones have always found their own physicians to have been rough-shod brutes, or whether they consider that the task of ministering to their infirmities in any way necessitates coarseness and harshness? The tacit answer to this inquiry is, we believe, that refined people would never do anything so eccentric as to consult a woman physician. She must perforce "go about among all sorts of people," pick up her practice where she can, and the process of "going about" is often alluded to as if it implied carrying a revolver, or seeking the escort of a policeman.

Of all the social bewilderments with which this question is befogged, this is, perhaps, at once the most ridiculous and the most exasperating. It is impossible to imagine a sphere in human life, with the exception, perhaps, of the artistic, in which delicacy —mental, moral, and even physical—is more essential than in that of the physician. The preservation of decorum, the maintainance of suitable reserves, the just balance of rights, the quick perception of feelings, all these are the natural correlatives of the deft physical touch, of the intellectual subtlety, which should, and which does, characterize a true physician. What is there in all this incompatible with the classical, not to say conventional, ideal of feminine character?

There is another consideration more excusably overlooked. It is impossible to be a physician on the basis of personal sympathies alone. If the interest in the disease be not habitually greater than the interest in the patient, the patient will not profit, but suffer. He may gain a nurse, but he loses a physician. Now disease, even more than death, tends to level distinctions. It diminishes the social value of those who have any; but, on the other hand, it invests with an otherwise unattainable interest those who are quite lacking in social charm—the stupid, the vulgar, and even the vicious. The physician is, indeed, the only person who can "go about among all sorts of people," unbored and uncontaminated. When the priest does the same thing, it is because, as far as may be possible, he imitates the bearing of the physician.

The only possible excuse for this wide-spread assumption, that women physicians must be inferior to men in personal refinement

and social culture, may be found in the conditions under which women have hitherto been obliged to study medicine. The obloquy heaped upon women students of medicine has been so great that many women of refinement have been repelled from a pursuit to which their natural taste inclined them. Conversely, many women have entered upon it without taste or understanding, but merely attracted by the flavor of notoriety and the enjoyment of something slightly turbulent and very eccentric. Not these ignorant women, but society, are to blame for the opportunity accorded to put forth their absurd pretensions. A Nemesis waits upon the rejection of just demands. The refusal to admit to a disciplined education and to submit to suitable tests the women who were really fitted for both, has merely resulted in the rather extensive education of the unfit; and this has often been carried on in the very least suitable manner which human ingenuity could devise for the purpose.

Considerations of delicacy have been urged, as is well known, in a special manner, both for and against the admission of women to medicine. On the one hand, the association of women with male students in professional schools and medical societies, has been denounced as an indelicacy which rather more than borders upon immorality. On the other hand, the treatment of female patients by male physicians—especially in a certain class of diseases—is shown to involve a straining of delicacy which cannot but be most undesirable, even when it is submitted to as inevitable. In the most populous quarter of the globe, in all the countries of Asia, it is known that such submission is not considered inevitable—is, indeed, not allowed. The alternative is invariably accepted of leaving the female half of the community entirely unprovided with medical attendance for any disease whatever.*

*To the Editor of the Pall Mall Gazette.

Sir: The October number of the "Indian Female Evangelist" supplies an interesting piece of evidence on the disputed point as to whether properly educated medical women would or would not be acceptable to the native ladies of India. It appears that the Maharajah of Punna, in Bundelcund, applied to Miss Beilby, a female medical missionary at Lucknow, to treat his wife, who had long been suffering from some painful internal ailment. Miss Beilby spent some weeks in attendance upon the Maharanee, and happily was able to effect a cure:

No hard names which have ever been heaped upon the women who want to study medicine can exceed those once lavished on the presumptuous men who first forced their way into midwifery. As late as the seventeenth century, even at the time that Chamberlain was inventing the forceps, the term "man midwife" was as much a term of reproach as that of "female physician" often is at the present day. The feeling of delicacy, permissible, even imperative in itself, was compelled to yield to the still more imperative claims of superior knowledge and capacity. If this has ever been accomplished, it is not doubtful that a legitimate feeling of delicacy—as that which makes many (not all) women dis-

When the time of her departure from Punna arrived, she was desired to present herself at the palace to take leave of her royal patient, on Wednesday, the 13th April last. The Maha-Rani received her in her private room, and almost immediately dismissed all her attendants and ladies, so that she might be quite alone with her. The Maha-Rani then said she wished Miss Beilby to make her a solemn promise. Without knowing what it might involve, she was reluctant to do this, but at length the Maha-Rani said: "You are going to England, and I want you to tell our Queen and the Prince and Princess of Wales, and the men and women in England, what the women in the zenanas in India suffer when they are sick. Will you promise me to do this?" She explained that it was no social change in their condition she sought, but relief in their cruel sufferings. She charged Miss Beilby to give this message *herself* to the great Queen of England; not to send it through any other channel, but to take it *herself*, or her Majesty would think less of it. Miss Beilby represented to the Maha-Rani the difficulty she would have in getting access to the Queen—that with us it is not as in the East, that any one can go to the palace and lay a petition before the native sovereign. Besides, she told her she hardly knew what good it would do if she could do as she wished, and take her message to our Queen. The Queen could not *make* lady doctors, or *order* them to go out. It was not in the power of even the great Queen of England to do this. "But," said the Maha-Rani, "did you not tell me our Queen was good and gracious, that she never heard of sorrow or suffering without sending a message to say how sorry she was, and trying to help? Did you not show me a picture of a train falling into the sea, where a bridge broke, and did you not tell me how grieved our Queen was? Well, it was very sad those people should have been killed, but our condition is far worse; if you will only tell our Queen what we Indian women suffer when we are sick, I am sure she will feel for us and try to help us." Miss Beilby felt she could no longer refuse to promise to convey this message, if possible. The Maha-Rani next bade her write it down at once (giving her pen, ink, and paper), lest she should forget it, and added, "Write it small, Doctor Miss Sâhiba, for I want to put it in a locket, and you are to wear this locket round your neck, till you see our great Queen and give it her yourself. You are not to send it through another."

On reaching England, Miss Beilby communicated with some of the ladies about the Court, and on July 13, 1881, the Queen received her at Windsor Castle:

Her Majesty listened to Miss Beilby's statement with great interest, asking many questions, and showing the deepest sympathy. Turning to her ladies,

like to be treated for at least uterine diseases by a man—should, if once thoroughly reënforced by legitimate confidence in feminine skill, overpower the quite superficial ideas of delicacy in regard to co-education in medicine. We call these ideas superficial, for they only represent further misconceptions of the mental attitude of true medical students. The scope of the subjects studied is so immensely wider than the public can imagine; the mass of its details so much greater; the intellectual aspect so different; even the material conditions so changed,* that it is quite impossible for any one on the outside to judge of the

she said: "We had no idea it was as bad as this; something must be done for these poor creatures." The Maha-Rani's locket with its message was given to the Queen, and Her Majesty entrusted Miss Beilby with a message in reply, which was intended for the Maha-Rani alone. But the Queen also gave Miss Beilby a message which might be given to every one with whom she spoke on the subject of the poor suffering Indian ladies:—"We should wish it generally known that we sympathise with every effort made to relieve the suffering state of the women of India."

We fear the Maha-Rani would after this be disappointed if she were told that three weeks later the medical women of Europe and America were excluded from the International Medical Congress held in London last August, and that this exclusion was effected by the Queen's private physician, threatening the Congress with the loss of the Queen's name as patron if medical women were admitted. If this were anything more than an unauthorized application of the influence of royalty, it would be desirable for the Queen to remember that it will not assist in relieving the suffering state of any of her Majesty's subjects to prevent their medical attendants from keeping *au courant* with every advance in the knowledge of the complex art of healing, and that it is not true that a very much less educated practitioner than those who desired to attend the Congress would be good enough for India. The fact of the skin of the patient being some shades darker than our own does not, as some people seem to imagine, simplify alike the physical organization and the abnormal conditions of the body, and if good medical women are wanted for India, they must receive as thorough a training as the best medical schools in England can give to men. The recent successes of the students from the London School of Medicine for Women in the Honor List of the London University show that in this school, at any rate, the education given is good and thorough, and we hope her Majesty will in due time have the gratification of knowing that many medical women who have been trained there are at work in India and England in relieving the sufferings of her subjects.

I am, Sir, your obedient servant, B.

October 25.

* As in the dissection or post-mortem examination of dead bodies.

form of feeling likely to be excited by the actual circumstances within.*

From all this series of misconceptions to which women are exposed in common with men physicians, and, for many reasons, more conspicuously than they, it would seem as if members of the profession should naturally be exempt. "It is an ill bird that fouls its own nest"; and it seems scarcely credible that any physician who loves and honors his calling as it deserves, should dare to pronounce it too coarse or too hardening a pursuit for women. Whenever this has been done, the argument is necessarily insincere. It is like the outcry of school-boys when their sisters beg to be allowed to play ball with them. "Go away! You are a girl! *Girls* don't play ball!" The school-boy is usually unable to enforce this brief but effective dictum by dissertations on the difference in the form of the clavicle between the male and the female, and consequent inferences as to the necessary inefficiency of girls in the art of pitching and catching. Grown to manhood, however, he learns to justify his opinions by formidable weights of erudition. These arguments vary from age to age, and to-day the fashionable one is drawn from natural history. By laborious researches into the comparative weight of the brain,† the strength of the muscles, the depth of the respiration, the powers of digestion, the richness of the blood, it is established that the typical woman, wherever she appears, must be an inferior animal to the typical man, wherever he may be found. The rapidity with which this abstract conclusion is applied to such a concrete problem as the capacity of women for the practice of medicine is amazing. Were the feat performed by feminine reasoners, it would, no doubt, be cited in proof of the hasty generalizations of the shallow female intellect. But we remember the fable of the wolves and the shepherds!

* Not to interrupt the course of the text, we would here note that schemes of co-education which, in some shape, are really essential to the proper professional education of women, are always compatible with isolated instruction on the very few special subjects where the association of young men and women students might be an embarrassment. But these topics occupy, after all, a very small part of medicine.

† It will not be forgotten that the latest tables of Bischoff give the proportions of the brain to the weight of the body as 1 to 36 for women, 1 to 37.5 for men.

The logical inference from such data as we have quoted, precisely because they have recently been re-adduced in the argument about women physicians, can only apply to the relative positions of men and women in the social organism. We might infer, if we admit the validity of such researches and the reality of their statistical value, that the highest, and weightiest, and greatest amount of effective work must always be performed by the masculine half of the race. But it by no means follows that the work of the medical profession lies on this loftiest plane, and, consequently, the argument in question has nothing to do with the matter at issue.

Here is the point which, so far, we have hardly ever seen distinctly appreciated, namely,—that, as the gamut of human intelligence goes, a third-class intellect is quite sufficient to make a first-class doctor.

This will be clear when it is remembered that by first-class intellect is meant that of creative genius; by the second, that of inventive talent; by the third, the mind possessing the power of generalizing, adapting, and coördinating what others have created, discovered, or invented. If we take Newton as an illustration of the first class, Faraday of the second, Trousseau of the third, it will be evident that the great mass of even our first consulting physicians occupy a lower rank still. On this calculation the trustworthy but undistinguished family physician, the sheet-anchor of many homes, must modestly acknowledge that he holds only the fifth place,—often, indeed, not that!

Surely the natural history argument, which gives the abstract estimate of woman's capacities as so little lower than those of man, cannot be used to consign her to the perdition spread out below this fifth circle! Were it necessary to apply the interpretation, it would be that if all men were Newtons, no woman would rise higher than Faraday. If the mental development of the race had paused at the level of Faraday, no woman could claim more than the erudition of Trousseau, and so on.

The absurdity and uselessness of such a discussion is fully paralleled by that of the innumerable discussions which have been solemnly sustained on this basis. This is our excuse for pausing to consider it.

Some years ago, Huxley took occasion to say in public: "No scientific man, well acquainted with the quality and quantity of the intellectual work actually performed by the average medical

practitioner, could doubt that any vigorous girl could be trained for the same."

The intellectual work required of physicians is of two kinds. They *must* learn an art, and become experimentally skilled in its various applications. And, during the exercise of this art, they *may* collect data which shall contribute to the advancement of the science upon which the art reposes.

The relation between these two branches of work much resembles that which exists between the art of musical execution and the science on which depends musical composition. Now, it is well known that abilities in these two different departments exist in no necessary proportion to each other in the same person. Brilliant performers are known whose compositions are thoroughly mediocre; the most profound musical writers may be relatively inferior in the technique of fingering. In the conservatory at Stuttgart, we have been told that the female pupils are restricted to the study of execution, and receive no instruction in the principles of harmony or theoretical music. They are not expected to compose.

The mental powers involved in the application to concrete problems of the principles of so great and complex an art as that of medicine, may easily seem to the outsider to be identical with those concerned in scientific research. This is not, however, the case, and therefore objections made to the education of women as physicians because, without education, they have made no important scientific investigations, should fall to the ground by their own weight. Such objections, if maintained, must rule out of practice the great majority of successful practical physicians.

Another consideration: Persistent innovations are rarely one-sided. When new claims are made, we may be sure that they have a foundation in facts. It is so with medicine. Its modern development renders it more accessible to women. Thus, the discovery of anæsthetics has thrown open to women almost the entire field of operative surgery, from which, formerly, purely physical disabilities must have excluded them. This is a branch of medicine capable of being taught with great precision: and, accordingly, we find that a taste for surgery develops rapidly among women wherever they can obtain for it the requisite personal training.* Again, the immensely greater atten-

* Dr. Van de Warker says that we are yet to see the female ovariotomist. We know of at least seven ovariotomies performed by women, of which five were successful.

tion paid in modern times to the chronic diseases of all the organs of the body, opens not one but many fields where care, patience, solicitous observation, detailed attentions, are more required than the prompt courage supposed to be necessary for startling emergencies. But, finally, the majority of emergencies cease to be startling, because, owing to the greater precision of medical knowledge, they can be far more often foreseen and far more often coolly analyzed and interpreted.

In a word, whatever tends to perfect the art of medicine, tends also to render it more susceptible of being taught with positiveness, hence more accessible to persons susceptible of training, but liable to be deficient in originality and initiative. It is the achievements of masculine genius which, in medicine as in other departments of life, facilitate the work of women. To what extent real genius for medical science may develop among women remains to be seen. The conditions for such development do not yet exist. Medical training is, in America, everywhere extremely imperfect, and in regard to women, the imperfection becomes more obvious on account of the habitual defects in their ordinary education. They are, as has been already said, deficient in mental initiative; the deficiency is not counteracted but aggravated in the great majority of cases by almost all the influences to which they are subjected from their cradle upward. Few agree with Mr. Morley "that there is probably nothing which would lead to so rapid and marked an improvement in the world as a large increase of the number of women in it with the will and capacity to master Newton as thoroughly as she (the Marquise du Chatelet) did."* Everything in ordinary life is opposed to the thorough mastery of anything by women. The study of medicine necessitates, in this respect, an entirely new departure. Experience shows that this is not difficult to effect wherever women students are submitted to an authoritative and imposing discipline—as in the European universities to which they have been admitted. But the self-enforcement of such a discipline is necessarily rare. The capacity of women for purely mental initiative is often at present encroached upon by the severe struggle with practical and pecuniary necessities to which so many of them are subjected. The self-denial, energy and pluck, ingenuity and perseverance of hundreds of women stu-

* Life of Voltaire, p. 100.

dents would make, if published, an heroic record. Through poverty, opposition, ill health, often with insufficient daily food, —often compelled to work, in addition to their studies, to earn their daily expenses,—these women struggle on uncomplaining. They are obscure, unknown—often remain so; often fail from attempting the impossible, yet, oftener than could be imagined, succeed at least in rising to the standard which is established for them. It remains, perhaps, for another generation to do more.

From what has been just said we certainly would not have it inferred that we argue the necessity of accepting women as an inferior grade of practitioners, to be tolerated in trifling ailments and to be set aside in serious illness. Our argument is simply that, at the present stage of medical development, the mental powers exercised in the treatment of the most serious illness lie, both as to quality and quantity, within the range of the theoretical estimate now generally made of the intelligence of women. These powers are apt to seem more extensive than they are, because, from the nature of the case, they usually come into play in the presence of persons unqualified to criticise them. So long, however, as the physician confines himself to the application of the rules of diagnosis and of treatment contained in his art, his work, however judiciously and skillfully performed, must, as an intellectual performance, be ranked as second-rate. To say, therefore, that the intellectual capacities of women are only second-rate by no means excludes them from the most responsible duties of practical medicine.

Again, chased from the first assumption, the determined prejudice finds refuge in a second, and we are confronted by the assertion that women physicians must be lacking in the moral qualities of self-reliance, steadiness of nerve, self-control, etc. Here again, we believe, the fallacy lies, first, in taking for standards of comparison women quite untrained for the work; second, in misunderstanding the effect of knowledge in dissipating the alarms principally excited by mysteries. To be firm, self-reliant, and steady in dealing with the friends of the patient is no harder for a woman involved in medical than in other responsibilities. To assume the burden of such responsibilities in regard to the patient requires the ability to say: "I know the condition of this patient at least as well as any other person to whose opinion I could have access. I am also acquainted with the nature and extent of the resources which the art of medicine

at present possesses for such a case. It is my business to apply those resources with all possible care and diligence, and to await the result."

This is not the frantic "wrestling for the life of the patient" which figures in popular imagination, but it is the sober truth. It is not the language of an excitable person, bewildered in a dramatic situation, but that of a well-balanced intelligence, thoroughly trained for the work which it has undertaken.

If a really first-class intellect be often rather out of place in the practice of medicine, a high degree of vitality, of organic vigor, is certainly needed. Now, it is not usually recognized to what an extent the organic vigor of women is naturally destined to be increased by child-bearing. The prevalent American notion is that maternity is the signal for an inevitable collapse of all mental and physical powers. The reverse is certainly intended in the scheme of Nature. The key-note to the difficulties of the position of women in regard to the achievement of distinction in any form of work, lies in the fact that the degree of their physical, and probably, therefore, of their mental, development before child-bearing is always rudimentary, relative to that attainable after it; while, nevertheless, the risks, duties, and social consequences of maternity tend to so completely absorb this increased vitality that none remains over to be expended in external work.

It is foolish to overlook or to dispute this fundamental fact. But it is equally useless to insist upon it, as in itself sufficient to decide the social destinies of woman.

The "social consequences of maternity" vary indefinitely with the social class. Immense numbers of women are compelled, by the most inflexible economic conditions, to work as hard, in factories or elsewhere, after marriage as before. "If," says Simon, "the family can only be supported by three francs, and the man can only earn two, there is no alternative but for the woman to labor to secure the remaining franc." The range of non-domestic industry rises, without changing its essential nature, from the level of the European factory operative to that of the American farmer, where the share of the married woman in the conduct of the farm is considerable. Marriage cannot be said to withdraw from non-domestic industry the majority of women, but only to increase their burdens, and set them to work at a disadvantage.

On the other hand, in another immense class, or, rather, series of classes, the amount of work performed by women in the dis-

charge of household duties is fully equivalent to the amount of non-domestic industry performed previous to marriage. The difference lies in the arrangement; and it is claimed that this facilitates the duties of maternity, and care of children, while any non-domestic labor must disastrously antagonize these.

Finally, for much the smallest, but also the most influential because the most distinctly articulate class, marriage means, or is expected to mean for the woman, liberation from any definite industry. The work of the household is performed by servants; and the funds are entirely supplied by the external work of the husband. This, indeed, in theory; in fact, in all dense social communities, and there especially in professional circles, the wife is often expected to contribute an essential quota toward the maintenance of the household, by means of an inherited fortune or of the dowry received from her father. As it is evident that physicians must come, not from the so-called laboring classes, but from those where the married woman either works in the house or does no real work at all, the practice of medicine by married women becomes involved in the following problem: To so arrange, at least certain forms of non-domestic labor, that even a married woman should be enabled to engage in them if her taste so inclined, either in preference to the domestic work which she would otherwise be compelled to perform as a substitute for a dowry, without which she might be compelled to remain unmarried, or as a substitute for an elegant leisure, which, to an energetic temperament, is often a refined torment.

On the theory that work is a mere personal hardship, to be evaded whenever possible, to be sought only for an indispensable pecuniary return, and always, even in our democratic country, implying for women a faint social disgrace, there is not likely to be any enthusiastic support among married women of professional or other work to be performed by any of their number. This is why the frequent denunciation of such work by fashionable women is always open to suspicion. On the broader theory, that the amount of work to be done in the world implies a collective fund of activity, to which all human beings may lawfully desire to contribute, each freely choosing such portions of it as are most suited to his or her special capacities, the matter assumes a different aspect. Whatever real difficulties may lie in the way, the one at least should disappear which is created by the half-avowed dictum: "No woman has any right to work who can get a man to support her."

This excursion into the general considerations about the work of women is necessary in order to understand the real force of much of the more obscure opposition which exists to women physicians. As has already been said, the profession of medicine cannot be taken up and laid down again, like the lower positions in industrial occupations, or even like the profession of teaching. It must be adopted, if at all, for a life-time. Its ripest fruits cannot be gathered until a ripe age, long past that most suitable for marriage. On this account, and because the women who are most likely to succeed in medicine have often also marked capacities for success in marriage, and because their ability to perform such work as that involved in the practice of medicine, and demanding high organic vigor, tends to be increased after marriage and the possession of children,—for all these reasons, it is felt that the question of women in medicine touches upon ground not covered by their pre-marital work elsewhere. To the question, "Is it possible for married women to practice medicine?" experience might already be supposed to return an answer. A very considerable number of women now practicing have either married after entering upon practice, or were already married when they began. To what extent either their households or their practice may have suffered by the combination, it is almost impossible to ascertain by the most carefully prepared tables of statistics. It is not yet even certain whether the combination influences the size of the family. As far as can be judged, this remains at the measure most habitual in the families of professional men. Since this paper is intended to discuss rather theories than facts, it is worth while to outline a typical case, such as is not unfrequently realized:

A healthy girl of eighteen, with an ultimate view to the study of medicine, enters upon a university course, and, at the age of twenty-two, begins medical study. She is ready for practice at twenty-seven, marries at the same time or a year later. Her children are born during the first years of marriage, thus also during the first years of practice, and before this has become exorbitant in its demands. The medical work grows gradually, in about the same proportion as imperative family cares grow lighter. The non-imperative duties—the sewing, cooking, dusting, even visiting—are susceptible of such varied modifications of arrangement as it would be trivial to discuss in these pages. So great is the division of labor in medical work that it is indeed rather the minority of physicians who can consider themselves fortunate in

being "overwhelmed" with practice. In respect to the quantity of work performed by women, the same rule may be applied as has been laid down for the admissible proportion for the laboring classes—namely, about one-third of that performed by men of the same grade of success and ability. This fact need not impair the quality of the work. Professional work, which must remain a form of personal or hand labor, cannot be measured by commercial estimates. Beyond a certain point, increase of its quantity tends to impair rather than improve its quality. A mass of work sufficient to involve serious drafts on physical strength must, in medicine as elsewhere, put nearly all women at a disadvantage. But the handling of such large masses is neither necessary nor desirable for any other than pecuniary reasons, and these, both for physicians and for women in general, may be left in the background. To neither is the attainment of a fortune important; for the majority of both it is impossible. This must always remain true of physicians; whether it always remain as true of women as it seems to be at present, depends upon the extent to which they may rise from the bottom of the industrial scale, where they swarm at present, to the top—a question which, however interesting, does not concern our present subject.

The character of medical work, in its external and obvious aspect,—that of examining, watching, and prescribing for sick people,—suggests a degree of adaptability to the exigencies of domestic life which especially commends it to women. This is one reason why so many choose it, in preference to other occupations. In these reasons for a choice, there lurks, however, a danger, which it is well to distinctly recognize. It is that of overlooking the importance and extent of that part of the physician's work which is performed outside of the consulting-room, and away from the patient's bedside. In the mind of the true physician, this bears about the same proportion to the work of practical intercourse with the sick, as for the pianist exists between his hours of preparation and practice and those devoted to public concerts or teaching. It is true that this ideal is rarely maintained; but it exists, and tends to become more and more frequently realized during the progressive development of modern medicine. Now, it is in regard to this ideal that the present generation of women physicians are more liable to be deficient than in regard to the energy or solicitude of their attention to patients. It involves some vigor of mental initiative,

and, as has been already noticed, the same women who will respond admirably to training, to direction, or to the pressure of practical necessities, are apt to be unexpectedly deficient in this.

Since it is only the gradual progress in mental culture which has, for men, aroused mental initiative in the field of medicine, we may reasonably hope that the same process will have the same result for women also. Already a sufficient number of feminine examples exist to prove that this is quite possible. There is a gradual, but undoubted, increase in the capacity for mental initiative on the part of women in general. Those who study medicine must first share in the general movement; afterward, must become more energetically animated than at present by the intellectual impulses of modern medical thought.

We have already asserted that the idea that culture is a means, not only of training, but of developing force, is not generally accepted among current popular notions. It is, however, fully recognized by authorities, and we need, therefore, spend no time in defending it. Our commentary upon the practice of medicine by women does not profess to be very systematic; it evades arguments of rights, statistics, and historical statements, partly because these have already been made in an admirable manner,* partly because, in our opinion, sufficient data do not yet exist for statistical conclusions. The whole number of women at present practicing medicine is small; thus, only about four hundred can be reckoned in America; only nineteen are registered in Great Britain. From this small number, with the imperfect preparation and surroundings of so many among them, to attempt to draw any inferences as to the theoretical grade of capacity of women for medicine, is absurd. Still more absurd to attempt to deduce general conclusions in regard to the mental

* See "Study and Practice of Medicine by Women," Dr. J. R. Chadwick, "International Review"; "Study of Medicine by Women," Miss Jex-Blake, "Fortnightly," March, 1875; "Reply to Bischoff on the Admission of Women to the School of Medicine at Zurich," Prof. Herman; Speech of Dr. Henry Bowditch on the Admission of Women to the Massachusetts State Medical Society; Report of Committee on Admission of Women to Harvard Medical School, Chairman Prof. Alex. Agassiz; "The College Story," Prof. Rachel Bodly; "Practice of Medicine by Women in the United States," Drs. E. & A. Pope, and G. L. Call; "Early Practice of Medicine by Women," Prof. Bolton, "Journal of Science," January, 1881; "Women in Medicine," "Michigan Exchange," Lydia Welch.

capacity of women in general—its development, progress, or unimprovability.

Deferring exact researches, our modest intention is simply to attack the floating mass of vague ideas, prejudices, preconceptions, and misconceptions which, in this as in so many other matters, really decides the practical action of the community. Drawing to the close of our brief discussion, we are aware that it will seem to leave several questions not only unsettled, but untouched. If there are so few women who, after all, come forward to study medicine, why is it necessary to disturb oneself, or, in the slightest degree, society, about them?

We answer: It is scarcely forty years since the first woman physician graduated in America; not more than thirty since the first school was opened to them; not more than fifteen since, anywhere in the world, they could obtain a university education, and from this, in many parts of the world, they are still excluded. It is not, therefore, surprising that the number of women in medicine is still small.

Further, the demands of these few have involved a sacred question—that of justice. It is this little band of women physicians who most conspicuously represent the modern claims of women to share in the general intellectual development of the race. Their demands have not only been refused, but refused with contumely, and themselves treated with the tyrannical contempt which Prussians and Anglo-Saxons habitually reserve for those who urge a claim without the physical force to secure it. This is the first reason why the question, insignificant as regards number, has a real social importance.

The question at issue does not concern the training of scientists or the development of original genius, but the training for a practical work of persons who have demonstrated at least very many of the abilities requisite for it. In this they have put themselves, so far as regards native capacity, on a level with the great majority of the members of the medical profession. It is possible, if not probable, that they have shown themselves less able to dispense with thorough training than their masculine colleagues, less able to compensate its deficiencies by self-imposed efforts. No practical inference can be drawn from this other than one which applies to the entire relations of the state to medical education, viz., that every practitioner should be much more closely supervised. Efficiency should be more seriously

and more often tested, and the public far better protected than it is at present from the incompetence of both male and female practitioners. It is the height of folly to trust to American ingenuity and quickness to escape the consequences of imperfect knowledge. If it be desirable to establish a rigorous discipline for women physicians, it is no less important to do it for men, so that, practically, the distinction disappears.

In regard to any unpleasant modification of female character, likely to result from medical or other superior education, it cannot be too frequently noted that nothing further is proposed than to make room for the varying types of women which actually exist. Mr. Bagehot declares that an unvarying type of character is characteristic of a barbarian community, because essential to its safety, and is, therefore, enforced by all penalties, even to that of death. Only civilization is flexible enough, and stands on a broad enough basis, to permit internal variations. Surely women may share sufficiently in civilization to be allowed, without social disgrace, to exhibit such variety? The taste for medicine, when profound and genuine, is certainly peculiar enough to establish a decided variation on the most conventional type of women. But many other tastes do the same; and choice remains free.

> "The crane, I said, may chatter with the crane,
> The dove mate with the dove, but I
> An eagle, clang an eagle in my sphere!"

A final reason to be considered in regard to the professional work of women, and its possible continuance after marriage, lies in the re-arrangement of domestic work which has gradually been brought about by the growth of modern industries. As every woman knows, these are built up of tasks which have been withdrawn, one by one, from the control of the household and of its mistress, and have been combined, perfected, amplified to wholesale and often gigantic proportions. The process necessarily liberates the energies of the woman formerly absorbed by these same necessary tasks of preparing food and clothing. The process is still going on, and is constantly simplifying the material mechanism of household existence.

The "invasion of foreign spheres," for which women are so often reproached, is only the natural result of the double pressure of an economic and of a psychological necessity. It is always necessary that human beings be occupied: if driven from one

thing they must take up another: if all employment be taken away from them, they must at least pretend to be busy. On the other hand, it is not only obviously desirable that unmarried women find as many avenues for employment as possible, but the possibility of contributing toward the support of a family may decide, for many women, the alternative of marriage or celibacy. The traditional method of effecting such contribution is by means of a dowry; in many cases, it both has been and is the only possible way, since neither the strength nor the ability of the woman would enable her to engage in any non-domestic work, and yet do justice to her children and household. Any woman, however, who is possessed of the requisite physical and mental strength should be allowed, at her choice, to contribute the profitable work for which she has been trained, in lieu of a dowry which she may very easily not happen to possess, or in lieu of certain domestic labor which she would otherwise be compelled to perform on account of the narrow income of her husband. Is the sentiment of marriage endangered by the habits of pecuniary self-reliance and independence which should tend to free marriage from its burdensome aspect as a "career," and as an indispensable means of livelihood?

All professional work constitutes a form of personal service, and, as such, is much better suited to the prevailing instincts of women than industrial or commercial pursuits. The adaptation on this side is indeed so great as to constitute a danger; for it should never be permitted to obscure—and, in fact, it sometimes does—the cardinal question of capacity. We have said what we think there is for the present to say, in regard to the proof of such capacity in women. Here, in closing, we only wish to refer to its desirableness as a means of stimulating to better efficiency much existing feminine occupation. When room is made so near the top as is the high, difficult, and responsible work of practical medicine, the lower ranks may thin out by promotion. The pitiful overcrowding of the meanest employments by the huddling together of all grades of capacity, from that of the raw Irish girl to that of the reduced gentlewoman, might cease when fair play was once allowed for superior energies.

Have we not had enough of the dictum, "Women cannot do men's work"? In reality, some women can do the easy work of some men; others can do the more difficult work of more powerful men; finally, there are some men whose work, either for mass

or quality, has so far not been equaled by the achievements of any woman. And this is all there is to say about it. It is desirable that every woman remain as inferior to her own husband as may be feasible and convenient; it is for that purpose she marries him, or should do so. But the generalization of this relative inferiority to the comparative capacities of all men and all women, in regard to every work that both undertake, is a most injurious absurdity.

When we shall be rid of the injustice, the unfairness, the monstrous pretensions, and arrogant argument with which the subject of the admission of women to medicine has hitherto been so largely treated; when the mass of women students can obtain the same education and women physicians the same facilities that men do, a sound theoretical conclusion may then be reached, if required. But by that time the practical conclusion will probably have established itself, and people will cease to interest themselves in dissertations on the true theory of *un fait accompli.*

MARY PUTNAM JACOBI.

THE GENEVA AWARD AND THE INSURANCE COMPANIES.

ALTHOUGH the award of the Geneva Tribunal of Arbitration has undergone thorough discussion both in Congress and in the public press, it is still a subject of contention between two classes of claimants, to which the number may be said to be practically reduced: the insurance companies on the one hand, who have constantly asked only for admission to the Federal courts to test their claim upon the Government for moneys collected for them upon claims intrusted to it as agent, as they allege; and, on the other, the war-premium claimants, as they are termed, who seek to be reimbursed out of the Geneva award for the war premiums of insurance paid by them during the war, demanding from the Government that "abstract justice" which was denied them by the Geneva arbitrators who rejected their claims as invalid against Great Britain. This class resolutely oppose all reference of the question to the courts.

One cause of the protraction of the discussion over so long a period—since the Forty-second Congress—is the fact that the debates, able as they have been in both Houses, have always been addressed to a number seldom amounting to half the body. In May, 1874, Mr. Thurman said in the Senate: "Three-fourths of the Senators are away, and when this case comes to be decided they will come in here without having heard a word of the argument on either side, and some one will inquire, 'How does Smith vote?' another, 'How does Jones vote?' another, 'How does Tom vote?' and so they will follow some Jones, some Smith, some Tom, and so on, . . . and that will be the way in which justice will be administered by the Senate of the United States." Six years later, in closing the debate on his own bill in the last Congress, he had occasion to speak with the same bitterness of the absence of half the Senate, with the same reference to

"Smith, Tom, and Jones" as dictating Senators' votes on a question "which they are bound as judges to dispose of according to law and according to justice and according to common honesty." The small amount of trustworthy information which has reached the public has been insufficient to protect it against a prejudice which interested parties have created by a suppression of facts and, in some instances, it must be declared, by downright misrepresentation. We assert, in all sincerity, that we have never met with a disinterested opinion upon the case adverse to our own that did not spring from this prejudice. We purpose, therefore, to give the historical facts of this case, stating no fact that is not obtained directly from public and original sources, and omitting none that is in the smallest degree necessary to its entire comprehension. The facts shall be their own argument, and will be found not uninteresting to the general reader. The question of national morality involved in the action which the Government shall finally take is one of great importance, and its consideration is addressed to "plain people," Abraham Lincoln's happy synonym for common sense and common honesty. Except in Congressional debates and in occasional pamphlets that never reach the general reader, no full exposition of the case has ever come to our knowledge.

As early as November 20, 1862, less than four months after the Alabama left her British birthplace, Mr. Adams, our minister to Great Britain, laid before the Foreign Office claims of American citizens upon the British Government for indemnification for the loss of vessels captured by that cruiser. The ship Brilliant was captured on the 13th of September, 1861, and in January, 1863, the New York Mutual Insurance Company had filed their claim against Great Britain for the amount of the loss which that company had paid to the owners. These claims, and many more like them, were not filed in any spirit of patriotism or philanthropy. The parties making them believed that Great Britain was immediately responsible for the losses which they had suffered, and they demanded of their own Government to exact from Great Britain the repayment of the value of the property of which they had been despoiled. Captures multiplied, and claims from owners and from underwriters continued to pour in, and American ships were nearly driven from the ocean. But for the institution of marine insurance companies, the large majority of which are partnerships of individuals sharing among

themselves the losses of their fellow-members, while others are associations of capital giving security in consideration of a premium paid,—but for these institutions, few American vessels would have ventured out of port. Losses continued and popular clamor arose. National indignation was aroused. To the national honor the administration must look, but first and last American citizens and corporations were steadfast in their demand for a money indemnity in satisfaction for their losses. The accumulated claims became subsequently a serious danger, threatening war between the two nations. We all know that war was averted by a means worthy of two nations claiming the highest civilization. The fact that despite the hot blood and indignation of the period a treaty could be concluded, under which these international differences should be submitted to a high court of arbitration, justified the enthusiasm with which the event was received by the civilized world. Through much difficulty, and after frequently threatened failure, such a treaty was concluded, and the Tribunal of Arbitration met at Geneva.

Without pausing to moralize on the sacred character of such a tribunal, or the value to the merchant of the principle of arbitration, and all it implies, let us pass to the action of the United States Government toward its own citizens, both before and after the conclusion of the treaty.

In entering upon this most important passage in the history of the case, let us carry with us the knowledge that one class of claimants, those who are known as "war-premium" claimants, contend that the United States Government never assumed toward its citizens the relation of agent or attorney in any degree whatever in respect of the claims that were preferred at Geneva; and that the money recovered of Great Britain under the award of the tribunal was, in the language of their ablest advocate, B. F. Butler, "the money of the United States, to be disposed of at its pleasure, subject to no trust and especially to no legal rights in any individuals or corporations by whom a legal or equitable claim can be set up or maintained to any part of the sum awarded, as against the United States."* In a word, that the "claimants" were only witnesses in an action of trespass which the Government was bringing on its own account—for its own benefit, but, to some extent at least, at their expense. The

* Judiciary Committee's Report, Jan. 27, 1873.

fact upon which this assumption rests will be stated farther on in the order of its occurrence. The action of the Government, which is so summarily disposed of in this opinion, extends over several years. Let us follow it step by step.

As we have said above, claims of citizens and corporations began to pour in upon the Government as early as November, 1862, and were transmitted to our minister, Mr. Adams, and by him laid before the British Government almost as fast as they were filed. In February, April, July, August, September, and October, 1863, Mr. Adams laid before the Foreign Office a series of claims of our citizens upon the British Government. On the 26th of August, 1866, Mr. Seward transmitted to Mr. Adams "a summary of claims of citizens of the United States against Great Britain for damages suffered by them," saying: "Deficiencies will be supplied hereafter. The claims upon which we insist are of large amount. They affect the interest of many thousand citizens of the United States. The justice of the claims is sustained by the universal sentiment of the people of the United States." The episode of the Johnson-Clarendon treaty and its rejection by the Senate it is unnecessary to refer to, except to note that Mr. Fish wrote to our minister, Mr. Motley, March 15, 1869, to say to Lord Clarendon that the United States, in rejecting that treaty, "abandoned neither its own claims nor those of its citizens"; and on the 12th of November of that year he again writes of "the indemnity which [the President] thinks due by Great Britain to individual citizens of the United States." Finally, in his annual message to Congress of December, 1870, President Grant recommends "that authority be given for the settlement of these claims by the United States, so that the Government shall have the ownership of the private claims as well as the responsible control of all the demands against Great Britain."

As early as September, 1865, the Department of State had issued a circular addressed to "citizens of the United States having claims against foreign governments," calling upon them to "forward to this Department statements of the same under oath, accompanied by the proper proof." The circular comprises six paragraphs of general instruction as to forms to be observed; a most important and significant one, especially bearing on the responsibility assumed by the Government, is the following: "It is proper that the interposition of this Government with the

foreign government against which the claim is presented should be requested in express terms, to avoid a possible objection to the jurisdiction of a future commission on the ground of the generality of the claim." Then follow fifteen rules to be observed, one being that "the Christian and surname of the claimant shall be set forth," and lastly, that "if the claimant shall have employed counsel, the name of such counsel shall be signed to the memorial."

Immediately after the treaty was concluded, the Department issued another circular informing claimants of the time within which claims must be filed. It contains these words: "It [the Government] will present to the tribunal at Geneva, to be taken into account in estimating the sum to be paid to the United States, all claims growing out of the acts committed by the several vessels which have given rise to the claims generally known as the 'Alabama Claims,' which may be presented to the Department in time to enable it to do so."

After the issue of this second circular of the State Department, there appeared for the first time the class known as the "war-premium" claimants: merchants who found in the heavy premiums which they had to pay for insurance against capture a loss and grievance for which they, too, held Great Britain to be liable, and for which consequently they filed claims for indemnity to be submitted, with all others placed in the hands of the Government, to the tribunal at Geneva.

As a matter of course, each claimant received from the Department of State an acknowledgment of his claim as it was filed. Here is the answer to a letter inclosing a claim from an insurance company: "Sir: I have to acknowledge the receipt of your letter of the 26th instant, enclosing the memorial of your company in the matter of their claim against Great Britain on account of the capture of the brig —— by the Florida, and in reply to inform you that the case will receive due attention. I am," etc. This is signed by J. C. B. Davis, Acting Secretary, who was subsequently agent for the United States at Geneva.

Under date of March 15, 1872, the State Department furnished to claimants a volume of three hundred and ninety-nine pages, entitled "A Revised List of Claims filed with the Department of State, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the Alabama Claims." The volume has for preface this "Note: In presenting the following list of claims, interest has not been cal-

culated or stated. The United States will ask the tribunal to award them interest on all claims which may be allowed, to be calculated from the date of damage done to each claimant to the date of final payment." And under the heading of the first page, "Interest on all amounts will be claimed up to the day of payment." In this volume, the claims of owners and insurance companies for the destruction by twelve cruisers and the two tenders of the Florida amount to nearly twenty millions of dollars. The claims for "increased insurance" fill a little over forty-eight pages, and amount to a little over six millions.

There is not upon the record of this case one circumstance, however trivial in character, as between the Government and its citizens, from the date of the first capture to the present hour, that does not go to prove that citizens of the United States, merchants and corporations, ship-owners and underwriters, the war-premium claimants included, regarding themselves as despoiled in their private property through the agency of Great Britain, sought reparation of their losses from that Government at the hands of their own; nor that the United States Government did not, by frequent public declarations and communications with claimants by circulars, by acknowledging to each individual the receipt of his claim with its vouchers, and by laying these claims in detail, scheduled by their agent and advocated by their counsel, before the Tribunal of Arbitration, constitute itself in the fullest manner the attorney and trustee of its own citizens to collect for them claims which in their individual capacity they were powerless to collect against a foreign power, and honestly to pay over to these citizens whatsoever should be recovered in their behalf. To assume the contrary, as is now being done by one class out of the several who thus sought the "interposition" of the Government, is to assume that a great nation is, by virtue of its sovereignty, absolved from the recognition of those principles of honor and honesty which are the law of existence of business communities, and the observance of which by your humble citizen is enforced by the town constable.

The mass of claims making up what was entitled "The American Case" was carried to Geneva by J. C. Bancroft Davis as agent of the United States, accompanied by Caleb Cushing, William M. Evarts, and M. R. Waite as counsel. The claims were classified under the following heads:*

* "The Argument at Geneva," p. 187.

First. The claims for private losses growing out of the destruction of vessels and their cargoes by insurgent cruisers.

Second. The national expenditures in pursuit of those cruisers.

Third. The loss in the transfer of the American commercial marine to the British flag.

Fourth. The enhanced payments of insurance by private persons.

Fifth. The prolongation of the war, and the addition of a large sum to the cost of the war.

Under date of December 8, 1871, just one week before the sittings of the tribunal commenced, Mr. Fish addressed a letter of instruction to the American counsel, which may be found at length in "Papers Relating to the Treaty of Washington," vol. 3, p. 414, where it occupies two pages. One passage of it, to which great importance has been attached by the advocates of the war-premium claimants, we copy:

"In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded, or what may be recovered in the event of the appointment of the Board of Assessors, mentioned in the tenth article of the treaty. It is possible that there may be duplicate claims for some of the property alleged to have been captured and destroyed, as in the cases of insurers and insured. The Government wishes to hold itself free to decide as to the rights and claims of insurers upon the determination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution."

It is upon this extract and this alone, unsupported by any other fact whatever, that the advocates of the war-premium claimants rely to absolve the Government from its responsibility as agent or trustee of private claimants. It appears by citation or reference in every argument made by them in the seven years' debates in Congress, where it is always made to do duty as the entire letter of instruction. One distinguished Senator committed the blunder of arguing upon it as having been written after the rejection of the war-premium claims by the tribunal, instead of one week before the tribunal met, regardless also of the fact that the writer of the letter had declared subsequently that the Government "never expected" compensation for the war-premium claims. There is not the slightest evidence that it was ever communicated to the arbitrators, as it certainly never

was to claimants. As for the letter itself as an authority, that it amounts to the assertion of a reserved right to reverse the decisions of the tribunal, which was one of *arbitration*, is not worth a contradiction; as to its real and obvious meaning, it is simply an assertion that where a claim is made for the same loss by an owner and an insurer, the Government reserves the right to decide as to which any award obtained shall be paid. Such it was assumed to mean by all the advocates of a reference to the courts. As a *reductio ad absurdum* of all that can be made of it, imagine the cashier of a bank, in forwarding a draft for collection, instructing the cashier to whom he remits it "not to commit this bank as to the disposition it shall make of the funds collected on this." Imagine the same cashier refusing to pay over to the drawer upon such a ground!

And now we approach the Geneva Tribunal of Arbitration, surely the most important body of the kind that ever assembled. It was to settle serious grievances between two powerful nations. It was to enact new statutes of international law, or at least to more clearly define those already existing, and thousands of our citizens looked to it to make good, or to reject, their claims against Great Britain, for losses which they alleged that they had suffered by the agency of that power.

On the 15th of June, 1872, the "American Case," made up and classified as we have above described it, was laid before the tribunal with the argument of our counsel, Messrs. Cushing, Evarts, and Waite. And now occurred the most important event in the history of the tribunal. Immediately upon the presentation of the American case, the counsel of the British Government declared that several classes of the claims therein presented were of a character so remote and "indirect," and in amount so indefinite and uncertain, that they did not, or would not, regard them as falling within the jurisdiction of the tribunal, and, in fact, were such claims as Great Britain was not willing to have submitted to an arbitration. They demanded, therefore, an adjournment of the tribunal until February, to enable them to confer with their Government for further instruction. The position thus assumed by Great Britain was near wrecking the whole scheme of arbitration. It was saved by the wisdom of the arbitrators themselves, and the course they pursued brought about at this early stage of their proceedings by far the most important and momentous result of their action.

On the 19th of June, just four days after this threatening attitude was assumed by Great Britain, the arbitrators met and pronounced a decision to the following effect: After stating that "the observations they are about to make" refer solely to the application of the British counsel for an adjournment, and "the motives for that application, viz., the difference of opinion which exists between Her Britannic Majesty's Government and the Government of the United States, as to the competency of the tribunal to deal with the claims advanced in the case of the United States, in respect of losses under the several heads of: *first*, the losses in the transfer of the American commercial marine to the British flag; *second*, the enhanced payments of insurance; and *third*, the prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion," they go on to say that they do not propose to express an opinion on this question of competency, but, as the difference of opinion between the Governments on this point might make the adjournment unproductive of any useful effect, and might "end in a result which both Governments would equally deplore, that of making this arbitration wholly abortive,"—"this being so, the arbitrators think it right to state that, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect to these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations. With a view to the settlement of the other claims to the consideration of which by the tribunal no exception has been taken on the part of Her Britannic Majesty's Government, the arbitrators have thought it desirable to lay before the parties this expression of the views they have formed upon the question of public law involved, in order that after this declaration by the tribunal it may be considered by the Government of the United States whether any course can be adopted, respecting the first-mentioned claims, which would relieve the tribunal from the necessity of deciding upon the present application of Her Britannic Majesty's Government."

This action of the tribunal was communicated to the Secretary of State on the 19th of June, 1872. On the 22d came the reply, which we give entire, omitting only the first paragraphs,

which merely repeat the communication received and the advice of their counsel thereupon:

"I have laid your telegrams before the President, who directs me to say that he accepts the declaration of the tribunal as its judgment upon a question of public law which he had felt that the interests of both Governments required should be decided, and for the determination of which he had felt it important to present the claims referred to for the purpose of taking the opinion of the tribunal.

"This is the attainment of an end which this Government had in view in the putting forth of those claims. We had no desire for a pecuniary award, but desired an expression by the tribunal as to the liability of a neutral for claims of that character. The President, therefore, further accepts the opinion and advice of the counsel as set forth above, and authorizes the announcement to the tribunal that he accepts their declaration as determinative of their judgment upon the important question of public law upon which he had felt it his duty to seek the expression of their opinion; and that, in accordance with such judgment and opinion, from henceforth he regards the claims set forth in the case presented on the part of the United States for loss in the transfer of the American commercial marine to the British flag, the enhanced payment of insurance, and the prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion, as adjudicated and disposed of; and that consequently they will not be further insisted upon before the tribunal by the United States, but are henceforth excluded from its consideration by the tribunal in making its award. FISH."

At the next meeting of the arbitration, two days thereafter, Lord Tenterden, the agent of Great Britain, filed with the tribunal a paper signifying the acquiescence of his Government in the views of the tribunal expressed in their declaration, and "Count Sclopis, on behalf of all the arbitrators, then declared that the said several claims for indirect losses mentioned in the statement made by the agent of the United States on the 25th instant, and referred to in the statement just made by the agent of Her Britannic Majesty, are, and from henceforth shall be, wholly excluded from the consideration of the tribunal, and directed the Secretary to embody this declaration in the protocol of this day's proceedings."

In this reply the United States Government solemnly accepts the decision of the tribunal declaring that all* the claims against Great Britain which form the national grievance against that power, together with the claims in behalf of its citizens for

* The claim for "Expenses in pursuit of cruisers" was subsequently debated and rejected.

"enhanced premiums of insurance," do not, "upon principles of international law," constitute foundation for an award of damages between nations. And they declare further that this decision is "the attainment of an end which the Government had in view in putting forth these claims," for which they frankly admit "they had no desire for a pecuniary award." The frankness of this declaration justifies the remark that has several times been made in Congress—that this decision was of infinitely greater value to this nation than the money award that followed it.

Every honest and intelligent mind will admit that this action excluded at once and forever all pretence that the war-premium claimants could have any further interest in the proceedings of the arbitrators or in any fund that should issue from their jurisdiction. In all that has been said or written in and out of Congress by the advocates of these claimants, this crisis in the history of the tribunal is entirely ignored, or alluded to in the most shadowy manner, or again, it cannot be denied, most unblushingly falsified. Here, for example, is the manner in which their ablest advocate dispatches it in a debate on Proctor Knott's bill. The speaker is a member of the House Judiciary Committee:

"The case went before the tribunal, and that tribunal decided to pay only national losses. The question was whether certain indirect losses, national losses, should be paid, and this question came very near wrecking that tribunal, but the good sense of the two countries removed this difficulty, and it was finally agreed that national claims, and they only, should be submitted." *

Their most recent advocate comments upon the same important crisis as follows:

". . . Let us go back to the sitting of the Geneva Tribunal. We find that the whole arrangement was in danger of a collapse, because Great Britain refused to go on if the United States insisted upon presenting to the tribunal claims for 'war premiums,' which Great Britain considered too consequential in their character and too uncertain in their amount. The difficulty was removed by a voluntary and unofficial statement by the members of the tribunal, that they would not consider any such claims if presented. The sittings of the tribunal then took place, and the American case was in part successfully presented, minus the 'war premiums,' which, under instructions from Washington, were not pressed after the intimation above-mentioned. It is important to say here that the counsel of the United States were distinctly instructed not to commit the Government to any theory of distribution," etc.

* "Congressional Record," January 19, 1879, p. 3.

These examples of the statements and reasoning of those opposed to a judicial reference of this case we may leave without comment.

We have now to consider the manner in which the tribunal dealt with the one class of claims which they did not reject as invalid. This class is entitled in the American case: "1. The claims for private losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers." It is not necessary again to allude to the manner in which these claims were gathered, nor to the correspondence between the Government and its citizens in relation to them. It will be seen that its action which followed was strictly in conformity with its promises to its citizens, and true to the agency it had assumed.

The United States Government included in its "case" a charge of liability for the destruction committed by twelve cruisers. Each one of these was the subject of separate argument between the counsel of the two Governments, and the whole occupied the deliberations of the tribunal during nearly two months. The result is known. Great Britain was adjudged to pay for all the destruction effected by the Alabama and the Florida, and by the Shenandoah after that cruiser had been refitted at the British port of Melbourne. For destruction by all other vessels that Government was held blameless. These other vessels have since been designated as the "exculpated cruisers," and owners of vessels destroyed by them are to be found to some extent among the claimants upon the fund. The advocate we have quoted places them next in right after the "war-premium men."

There remains but one important fact in the history of the Geneva Tribunal: the process by which that body arrived at the amount of fifteen and a half millions as the "sum in gross" to be paid by Great Britain in satisfaction of the claims brought against that Government. Here again, before entering upon the facts, we must refer to the use that has been made of this "award in gross" to supplement the argument that the Government repudiated from the beginning all responsibility to its citizens as an agent or trustee for claimants. We copy this extraordinary paragraph by the same advocate, in which the two points are ingeniously brought together:

"On the side of the other hypothesis [of non-agency] we discover, in the first place, that the Government took ground against the idea of acting as an

agent in instructing its representatives at Geneva not to commit it to any theory of distribution. And we cannot otherwise account for the scrupulous anxiety of the tribunal to keep secret the method it adopted in calculating the amount of the award except on this hypothesis, and that they wished to avoid laying any foundation for the former."

This assertion of an anxiety for secrecy on the part of the tribunal as to its action on this point, and the inability of the writer to account for it except on the hypothesis that the arbitrators desired to protect our Government against any responsibility as an agent,—when not a shadow or even pretence of evidence exists that the instructions of Mr. Fish to the counsel were even indirectly known to them; when, in fact, as will appear, the counsel appealed to the arbitrators to make the award large enough to surely cover the obligations of the Government to its citizens,—is very characteristic of the sophistry, or something worthy of a harsher name, which forms the entire tissue of the argument of those who are striving to keep this question out of the courts. We have never heard of these efforts at secrecy, but whatever they were, they were a failure. Let us turn to the facts.

The sum to be determined was a compensation for the destruction of material property owned by various parties, and the measure of the loss was to be the measure of the compensation. The assertion that has been made that the award had no reference to the losses of claimants, but was a sum flung at random to the United States in full satisfaction of the national grievance, is, in view of the facts, too silly for contradiction. A few phrases from the argument of Chief-Justice Cockburn, the British commissioner, are sufficient to settle this point, were anything needed to do so:

"We have therefore only to deal with the claim *for losses sustained by individual citizens.*

"Now, there can be no doubt that the only damages which the tribunal is authorized to award under the treaty for the *indemnification of American citizens* must be confined to loss actually sustained by destruction of ships, cargoes, or personal effects. Where damage to property arises, not directly from willful injury, but indirectly only, from want of due care, an indemnity against actual loss is all that, by the law of England or America, or by any principles of general jurisprudence, can possibly be awarded.

"If, therefore, this tribunal, instead of sending the amount to be paid by Great Britain to be ascertained by assessors, should think fit to award a sum in gross, as it is empowered to do by the treaty, it must still, in fixing the latter, proceed on the best estimate it may be enabled to arrive at, on the

data before it, *of the losses actually sustained by American citizens through the three ships for which Great Britain is held to be liable.*" *

Not a shadow of doubt can exist that, in making up their award, the tribunal had reference solely to the class of private claims, as laid before them by the American agent.

To adjust a fair valuation of one hundred and twenty-nine vessels, their cargoes, freight, and the personal effects of officers and crew, between a rather irritated claimant and a reluctant payer, could under no circumstances be an easy problem in figures, and it goes without saying that in the end such an adjustment must become more or less a matter of compromise. It was so in this case. It is interesting to note how the compromise was arrived at, and, at the same time, the fairness and fidelity of counsel on both sides in dealing with the facts before them.

At an early stage of the proceedings—April 15, 1872—the American counsel placed in the hands of the British counsel the revised list of private claims. This list was by the British counsel referred to a committee which, at the request of Earl Granville, the British Foreign Secretary, had been appointed by the London Board of Trade to assist them at Geneva. The report of this committee, dated June 8, 1872, is to be found in "The Argument at Geneva," where it fills, with its tabular statements, thirty-five pages. The report indicates thorough and conscientious work. To a suggestion on the part of the examiners that the schedule of claims had not been as thoroughly audited by the American Government before presentation as it should have been, the American agent replies: "On the contrary, they were carefully scrutinized, document by document and proof by proof, under the superintendence of the solicitor of the United States in these proceedings, and the abstract of the proof was in every case completely verified with the original documents on file in the Department at Washington and referred to in the Revised List of Claims."

The valuations of property in this list as it comes from the hands of the committee, and as they subsequently appear in the comparative tables submitted by the American and British counsel, are represented by the claims filed by private owners of property uninsured, and by those of the insurance companies who had

* Papers relating to Treaty of Washington, vol. 4, p. 537.

paid owners who were insured for the total loss of their property, and by no other parties whatever. No other parties than these had a shadow of right, legal or equitable, to represent these values—no other parties than these were damnified by their destruction. And here it is proper to state, for the uninformed, the principle of law under which the insurance companies became claimants against Great Britian.

By a principle as old as the first guarantee ever assumed by man, and holding good in every conceivable form of guarantee, as the indorsement of a note, the warranty of a debt, or the insurance of property against fire or flood, shipwreck or capture, whenever the guarantor discharges his responsibility, and makes good to the owner the value of whatever he has insured, he instantly, by that act, enters absolutely into all rights whatever which the owner had, has, or may have in the note, the debt, or the property paid for. The decisions of the highest authorities in Great Britain and the United States give to an insurance company which has paid a total loss all that may be recovered of the thing lost, or any compensation therefor, including what may be recovered of a foreign power for illegal captures, whether by voluntary payment, or as the result of reprisals made in satisfaction of them. The British counsel, jointly with the committee of the Board of Trade, recognized the same principle in the following extract from their argument:

"The American insurance companies, who have paid the owners as for a total loss, are, in our opinion, entitled to be subrogated to the rights of the latter, according to the well-known principle that an underwriter who has paid as for a total loss acquires the rights of the assured in respect of the subject-matter of insurance. This principle was explained and acted on in the well-known English cases of Randall *vs.* Cochran, 1 Ves. Sen., 98, and the Quebec Fire Insurance Company *vs.* St. Louis, 7 Moore, P. C. 286, and is well recognized by the courts of America."

There is no question, therefore, that the right of the insurance companies to claim, by subrogation, the value of the property for which they had paid total loss was adjudicated by the tribunal, and that their claims were, upon that principle, passed on the same footing as those of direct owners. It is to be observed that the principle does not enter into the claim of the insurance companies upon the fund in the hands of the Government, which is simply a claim for money actually belonging to them as having been recovered on their account. Nevertheless, in the debates

in Congress the "right of subrogation," as affecting the claims of the companies, has been the subject of some very silly talk, one eminent Senator declaring that the right had been "abolished yesterday." The writer already quoted likewise adds a new feature to the old law. "Your case," he says to the underwriter, "hardly comes within the reason of the technical rule, which is intended to cover remnants and not perfect restoration."

To return to the making up of the award. The problem was, of course, to give damages sufficient to cover the claims. On this point our counsel made a special appeal, urging that "the United States will be bound to these losers to pay the amounts of their claims, and if you do not make it sufficient, the United States will have to make good the deficiency." On the 19th of August, 1872, in compliance with the request of the tribunal, the agents of the two Governments presented their "comparative tables," to show the differences which then appeared between them after such discussion as followed the analysis of the Board of Trade committee. We must here repeat the fact that the "comparative tables" are now reduced to a schedule of such losses as only uninsured owners, and insurance companies who have paid owners for a total loss, have any legal right to claim for. From the introduction to the American tables we copy the following passage which, consistently with every other fact in the history of these claims, sets forth exactly the relation of the Government to its citizens, and the responsibility resting upon it, in the view of the agent and counsel by whom it was represented:

"The claims presented by the United States are supported by sworn statements presented by those who possess the necessary information, and they exhibit in detail the items which go to form the sum total, and the names of all who have made reclamation, whatever may be the sum the tribunal may see fit to award. The claims on the part of private individuals thus computed, verified, and submitted are supported by all the guarantees of their good faith and their validity, as well for their general amount as for the other facts concerning them which governments are in the habit of requiring, in such cases, from their own citizens. It thus appears that these computations show the entire extent of all private losses which the result of the adjudications of this tribunal *ought to enable the United States to make compensation for.*"

The question of the allowance of interest was warmly contested by the British counsel, Sir Roundell Palmer, who ventured the argument that the insurance companies at least should not be

allowed interest, upon the ground that, doubtless, in the main the war premiums they had received had paid them a profit. Mr. Cushing replied to this with a touch of scorn. "We did not expect that the war premiums which the British Government could not tolerate as being 'too indirect' when presented by the merchants who paid them, should nevertheless be 'direct' enough . . . to reduce the indemnity on insured losses, which, if uninsured, they would have been entitled to." *

After a consideration of the "tables" by the tribunal, the commissioners placed the entire mass of estimates in the hands of Mr. Stæmpfli, with instructions to reduce them to a synoptical table upon which a just award might be arrived at. "That man of business and long-headed man," as he is called by Mr. Thurman, "went back to his home and took these estimates with him, and spent days and days revising and going over them." The result of his labor is a synoptical table footing up $11,893,000, which is to be found in the proceedings of the tribunal of 2d September, 1872. To this amount interest was added upon an estimate as to time and a rate previously determined, and on the same day the sum of $15,500,000 was agreed upon as the amount to be paid to the United States by Great Britain in satisfaction of all claims.

This concludes the story of the Geneva Tribunal of Arbitration, and its dealings with all the various claims that were laid before it for adjudication. We have told it with a prolixity and possibly a repetition of facts which we have found necessary to a perfect understanding of the case in its simplicity, and at the same time have fully exposed the sophistry and misrepresentation of which it has been the subject. There remains to be told what has been done by the Government toward its own citizens who placed their claims in its hands and what is yet to be done.

In the "comparative tables," the addition of which we have seen was the important factor in making up the award, the claims of the insurance companies form close upon seven-sixteenths of the amount; and had these claims never been preferred, it is obvious that the final award would have been for about eight and a half millions. It is likewise as obvious that, had no claims but those for war premiums been preferred, the award would have been *nil.*

* "Argument at Geneva," pp. 558 and 570.

The uninsured owners have long since been paid their claims under a judicial commission appointed by Congress, which by the law creating it was forbidden to admit before it the claims of the insurance companies. A prejudice only consistent with gross ignorance, but having just now a large representation in all legislative bodies in this country, seems to treat insurance companies as bodies who, to use a very hackneyed but strong expression, have no rights that any person is bound to respect. Immediately upon the introduction of the subject into Congress, the idea that any of this money was to be paid to an insurance company seemed to fire with indignation a large number of legislators, and the words, "The Government did not go to Geneva to collect claims for a parcel of insurance companies," or others to the same effect, may be found very often on the pages of the "Congressional Record" of that period. They are still denied even access to a court to lay before it their claim to property—a right which, it is safe to say, no member of Congress would incur the odium of denying to the humblest tradesman. Subsequently, the privilege has been extended them of receiving such amount of their claims as might remain after deducting from them all the war premiums they had received on war risks insured.

From this suppression of the insurance companies seems to have sprung the revival of the war-premium claims and the hopes of the claimants. If, as the argument went, the action at Geneva had no reference whatever to the private claims carried there, and the Government was still to distribute the fund on principles of abstract justice, why should the rejection of the war-premium claims by the tribunal be any bar to their getting them out of the award?

In this connection we have to deal with one argument that has been most freely used against the claims of the insurance companies, of which it is impossible to speak except in terms of the severest animadversion—one which rests upon a principle so utterly at variance with the simplest rights of property as recognized among men, that it is not our fault if its statement carry an unpleasant imputation upon the persons who use it. In and out of Congress, the fact that the insurance companies have prospered in their legitimate business, has been urged as a substantial and the most potent reason for denying them whatever rights they claim in the award, or even a standing in court to try them. The argument is more worthy of the sand-lots of California than

of the legislative halls or the press of a civilized nation. The principle that a man's rights of property shall depend upon the balance of his profit and loss account is simply infamous, and a disgrace to any one bearing the name of lawyer or merchant, who uses it or allows it to be used in his behalf. What would such a person say were he denied his dividend from the assets of an insolvent upon the ground that his dealings with the debtor had always been profitable? And further: the application of this argument to the claims upon the Geneva award is simply three-fourths an untruth. About three-fourths of these claims are owned by mutual companies, who are really associations of individuals for the division of losses among themselves, each one paying his exact and proper share of each loss the association suffers. There is in their business neither profit nor the semblance or possibility of profit in any form. Each member of the partnership puts up a sum proportioned to his own amount at risk. Out of the fund thus formed losses are paid, and what is left is, after a certain time, returned to those who advanced it. Each member's share of this common loss is unrelieved by assistance from any source whatever — as real as the uninsured thirty-five thousand dollars in the ship Jacob Bell was to her owners, who doubtless have long since been reimbursed out of the award. Each member of each mutual company remains to this hour poorer, to the extent of his contribution to the losses of his company, and it is his contribution to losses by the Florida — say, among others, his share of the fifteen thousand dollars war risk paid on the Jacob Bell — which he is now waiting to have repaid him out of the same award. It is not within the bounds of possibility that this arithmetical fact, that the members of the mutual insurance companies, claiming three-fourths of all that is due to these pariahs, are as absolute losers as the uninsured owners, should be unknown to any war-premium claimant, or to any one of their advocates, and that the assertion that they have made profit in any sense out of the business of insurance during the war is without the slightest foundation in truth.

And as for the stock companies claiming the other one-fourth: they are owned and managed exclusively, it may be said, within the class with which alone they deal. Too numerous to become in the nature of things either monopolists or extortionists · accustomed to the observance of a contract to which the

law gives a peculiar name, indicative of the "overflowing" good faith that enters into it, nothing but very gross ignorance can presume to make our marine insurance companies the object of odium or contempt. Their stockholders are merchants; doubtless many of them have paid war premiums with the same hand that drew their greatly exaggerated dividends. Are they less entitled to the protection of the law than their war-premium associates?

By what method shall the sum remaining in the hands of the Government be disposed of? The ablest members of both Houses of Congress have steadfastly endeavored to send all claimants to the Federal courts—a course not only in accordance with every precedent that has hitherto arisen in the history of the Government, but the only one leading to a settlement that must command the acquiescence of every claimant—a result that can never be reached by any act of Congress. The question of the responsibility of the Government and the character of the award as a trust fund can only be settled, if it be necessary to carry it so far, by the Supreme Court. No misappropriation of this money, if it be a trust, can extinguish the claims upon it. Senator Bayard put this fact in a forcible light in the last debate in the Senate* on Senator Thurman's bill—the ablest debate the subject has ever undergone. The bill was laid on the table. In December, 1878, a bill was introduced in the House of Representatives by Hon. J. Proctor Knott, from the Judiciary Committee, authorizing "all persons and corporations claiming to be entitled to any portions" of the award, to sue for the same in the United States Court of Claims, which shall render judgment for such amount as they "shall be justly entitled to recover under said treaty and award, according to the principles of justice, equity, and the law of nations, without regard to any rule or principle of allowance, exclusion, inclusion, or distribution heretofore adopted by Congress." The bill also provided for a direct appeal to the Supreme Court on the part of any claimant. In closing his report on the bill, Mr. Knott uses these words, which commend themselves to the common sense and common honesty of every one: "Surely no one who claims to have any right to any portion of this fund can object to having his claim thus adjudicated, unless he is afraid of justice." The bill was not passed.

* "Congressional Record," April 14, 1880, p. 19.

It was stigmatized during the debate as a bill for the benefit of insurance companies, although they were not mentioned in it. The final action of the Government on this question must concern every citizen. An unwillingness to submit to the law of the land, and a disposition to appeal to arbitrary power to set it aside, can never be approved by this nation. In a few words of Burke, stern and warning, we take leave of the subject: "Law and arbitrary power are in eternal enmity. . . . We may bite our chains if we will; but we shall be made to know ourselves, and be taught that man is made to be governed by law, and he that will substitute will in the place of it is an enemy to God."

GEORGE B. COALE.

A CHAPTER OF CONFEDERATE HISTORY.

THERE have always been those among the people of the Southern States who believed that not the preponderance of the North in population and resources wrought the downfall of the Southern Confederacy, nor yet any want on our part of constancy or fidelity. They are convinced that the South had resources, courage, and patriotism sufficient to command success under better leadership; they are persuaded that there were special causes of failure extrinsic to the people themselves; and they think it is but just and fair that any facts which go to sustain that theory of our fall should be given to the world. Such facts, as to a most vital part of our military organization, I am now about to offer.

From the beginning of the war I was in the Subsistence Department, and was honored by the personal regard and confidence of Colonel Northrop, the Commissary-General, during his whole term of service. Hence I had an opportunity of knowing as much as any one could know of the actual working of the Bureau, and of judging not only what it might have done, but what it was hindered from doing, by the intermeddling of those who had or claimed the right to control the actions of the Commissary-General. And I affirm that at the head of this harmful class, but acting mainly through the Secretaries of War and the Treasury, was the President himself.

Against such high authority a mere subaltern, as I was, could do nothing but note, and deplore, and chafe, until an occasion for action should arise. At last Mr. Davis made one. On November 1, 1864, he applied to the Commissary-General to know if his magazines were increasing or diminishing. The reply showed an "alarming state of the commissariat." Nevertheless, on November 7, Mr. Davis in his annual message writes: "It is gratifying to assure you that the military supplies essentially requisite for public defense will be found, as heretofore, adequate to our

needs." Inasmuch as this direct contradiction of the facts might have been intended only to mislead the enemy, I took no further action upon it at that time than to send him documents showing the true condition of the commissariat. Two months passed, and Mr. Davis seemed still resolved to keep Congress in ignorance of the crisis in subsistence and the imminent danger of general collapse. I now determined to act; and seeking my friend, the late Colonel John B. Baldwin, of the Confederate House of Representatives, I suggested that he should invite such members of the House as he might choose to an informal meeting, at which I, with Major French of the Commissary Department, would communicate the information that was withheld. The result of that meeting was seen the following day, when, in secret session of both Houses, it was unanimously resolved to appoint a joint select committee, to investigate the condition and management of all the bureaus of the War Department. At the session of the committee for the investigation of the Subsistence Bureau, held January 23, 1865, I was the principal, though not the only, witness—Major Seth Barton French and Major B. P. Noland testifying to important facts and confirming my testimony. The substance of this testimony was written out by me at the request of the committee, immediately after it was given. The paper, as it was presented to the joint committee, I still retain, or rather a copy of it, for the identical paper is lost, having been probably abstracted from the archives of the Virginia Historical Society, in which it was deposited by me. It is reproduced below, with such abbreviations and omissions of the less essential points as are requisite to bring it within the compass of a magazine article: but in all other respects the original form of the document is retained.

In January, 1862, by order of the Commissary-General, I made to a committee of the House of Representatives a report on the administration of the Bureau of Subsistence, in which the following occurs:

"In the packing season of 1860-61 upwards of three million head of hogs were packed at the various porkeries of the United States, beside those packed by farmers at home, of which less than twenty thousand were packed at regular establishments south of the lines of our armies. Of the whole number, experts estimate that the product of about one million two hundred thousand

hogs was imported in the early part of last year from beyond our present lines into what is now the Southern Confederacy. Of this number, it is estimated that about three hundred thousand hogs, in their bacon equivalent, have been consumed by our armies since the commencement of hostilities. Tennessee then became the main reliance, which, together with the accessible portions of Kentucky, had been so ravaged by hog-cholera and injured by short corn crops for three years preceding the year just closed, that the number slaughtered at the porkeries, within their limits, had dwindled from two hundred thousand head to less than twenty thousand. It was into this field that this department had to enter as a purchaser, dubious of a sufficiency, but assured of a heavy and active competition."

Shortly thereafter, the successive captures of Forts Donelson and Henry caused a considerable portion of these supplies to be lost; the subsequent campaign lost us Kentucky and much of Tennessee, and left us very ill-provided with meat.

In October, 1862, an offer was made by an entirely responsible party to supply the department with "ten thousand hogsheads of bacon certainly, and probably twenty thousand more hogsheads." His letter insists on the importance of speedy action; alleges that there was enough cotton (which he offered to take in payment) to feed and clothe our armies, in a section tributary to Memphis, which city was then, and had been for some time previous, in the secure possession of the enemy. Unless disposed of in this way, the cotton would probably have to be destroyed to prevent its falling into the hands of the enemy; but the owners, though willing to let the Government have their crops, were opposed to having them destroyed. The of
forwarded by the Commissary-General to the Secretary
the Hon. G. W. Randolph, with an urgent request for au
to accept it. Mr. Randolph forwarded the document to th
dent, accompanying it with a letter, in which he says tha
alternative is presented of violating our policy of withholding cotton from the enemy, or risking the starvation of our armies." He advised that the Commissary-General should be authorized to contract for bacon and salt, limiting the amount of purchase to what was absolutely necessary to feed the army and supply it with blankets and shoes.

Upon that letter the President made the following indorsement:

"SECRETARY OF WAR: Is there necessity for immediate action? Is there satisfactory evidence that the present opportunity is the last which will be offered? Have you noted the scheme of the enemy for the payment of their

next accruing interest on their public debt? You will not fail to perceive the effect of postponing the proposed action until January 1, 1863, if it be necessary at any time to depart from the well-defined policy of our Government in relation to cotton.

"October 31, 1862."

Mr. Randolph now directed the Commissary-General to report upon the practicability of delaying action on the offer, also called for an estimate of the probable receipts of the Subsistence Bureau under the existing arrangements. Colonel Northrop's reply was:

"Present efforts, even if successful, will not produce cured bacon by the first of January. The departments of the East have been exhausted, while the increasing numbers of refugees add to the consumers. The results hoped for from Tennessee are not probably equal to the demands of the troops on the west of the mountains and in Tennessee."

Several days later, no action having been taken meanwhile, I had an interview with General Randolph, who instructed me to send him a return of the stocks of meat on hand, which I did in a leter dated November 8th. This report General Randolph submitted to the President, thus indorsed:

"It appears from Major Ruffin's statement that the supply of hogs this year will be about one hundred thousand short of last year's supply, and that the supply of beef is well-nigh exhausted. Unless the deficiency be made up by purchases beyond the limits of the Confederacy, I apprehend serious consequences."

The paper was returned, with this indorsement from Mr. Davis:

"The question submitted is one which a constitutional adviser would advantageously bring to a conference. The papers inclosed, particularly the statement of bacon on hand, do not sustain the conclusion presented. To solve the question a statement from the C. G. S., and a comparative view based upon a return of the troops, will be necessary. The resources of every portion of the Confederacy must be considered to reach a just estimate."

In a report from the Commissary Department, on the 18th of November, this "comparative view" was given. It was not, however, based upon "a return of troops," for the Adjutant-General's office had never been able to furnish the requisite data. Three days later this report was returned, indorsed as follows by General G. W. Smith, Acting Secretary of War:

"Respectfully returned to the Commissary-General. The President requests that an estimate be made of the amount of supplies that can be procured from sources within the Confederate States from which last year we could procure none, and state more fully the reasons for immediate action, and consider the relative advantages of procuring supplies from Memphis, and from the vicinity of New Orleans."

The reply to this will be given in full, for it presents the whole case and cannot be condensed:

"*First.* Every source within the Confederate lines from which supplies could have been obtained last year or this has been fully explored. All such have either been exhausted or found inadequate. If in any small portion of the Confederacy supplies have not been aimed at, it was because it was known that such portion would not afford enough for the current domestic supply of that particular area. It has been erroneously supposed that Southern Georgia and Alabama, and certain portions of Florida, would afford large amounts of stock; but they have not done it. They have not even fully fed those posts which, from geographical position, would naturally draw from them, and they cannot do as much in the future as they have done in the past.

"This appears abundantly from facts within my knowledge, and from testimony in the office.

"*Second.* To state more fully the reasons for immediate action, it is necessary to recapitulate:

"The report states a clear deficit of bacon of 8,116,194 pounds, or twenty-five per cent.; a clear deficit in salt beef of 36,000 beeves, at an average of five hundred pounds per bullock—making 18,000,000 pounds, or ninety per cent.: whole value of the above, 22,516,194 rations. Total deficit per cent., forty-three.

"This calculation is upon the basis of the forces this year in camp and field. Further, it does not include immense supplies purchased from private hands, which cannot be had at all for the coming winter, because the stock to create them is not in the Confederate lines; and the salt cannot be had if the stock could. Besides, large local supplies have been completely exhausted, as in Loudoun, Fauquier, and other districts. And even the above estimated subsistence is not at all secure. The hogs, though bargained for, have not all been driven to places of safety. The salt to cure them has not all been secured, and what has been engaged has not all been delivered, and must take its chances for transportation over long distances, upon uncertain roads discordantly connected. It is not safe, then, to rely on these estimates. Added to that, the winter is at hand; the rises of the rivers all impending; invasion on a vast scale is imminent; the supplies which have been hoped for from the enemy's lines, by ordinary exertions, are not to be expected.

"The supplies now offered are ample, and are tendered at lower rates in cotton, even at the extreme bid, than they can be bought at for Confederate currency in our own lines. If not availed of now, they most probably never will be, for lack of power and opportunity. And finally, both Mobile and

Charleston are pressing for large supplies out of resources which must be held for the armies of Virginia, or the border States will be lost; while the same reserves, and the accumulations I have been endeavoring to make in Tennessee, are demanded by the armies of General Bragg.

"*Third.* As to the relative advantages of procuring supplies from Memphis and from the vicinity of New Orleans, the proposition to make such purchases is not a new idea. They were made at the commencement of the war to an extent which is little known. In an elaborate report on the operations of this Bureau, made by Major Ruffin, under my order and superintendence, and submitted to Congress in January last, it is stated: 'Experts estimate that the product of about 1,200,000 hogs was imported in the early part of last year (1861) from beyond our present lines into what is now the Southern Confederacy. This was accomplished by the action of State authorities, in some cases by the enterprise of private parties, and by this department through agencies of its own. Of this number, it is estimated that about 300,000 hogs, in their bacon equivalent, have been consumed by our State and Confederate armies since the commencement of hostilities. This was for a period of eight months, and shows a requirement of 450,000 hogs per annum. For a considerable part of that period the army was a mere fraction of the magnitude which it has reached. Those who think that the stimulus of high prices, under the apprehension of great scarcity, has so increased our supply of meat as to enable us to dispense with this large balance, forget that the counties most capable of such development are precisely those which have suffered most from the war. Elsewhere it must have been a new enterprise, such as could not be expected to succeed when the best men are in the army.'

"Therefore, I urge that supplies be engaged both from Memphis and from the vicinity of New Orleans, and for these additional reasons: It may be safely estimated that the army will consume and waste the product of not less than 500,000 hogs, of which we calculate to receive only about one-third from our Confederate limits. It will not be prudent to rely upon obtaining the amount needed from one single source of supply; it will be well to divide the risk. Moreover, other articles are needed nearly as much as meat. The salt-works in Louisiana are not to be depended on; the supply to be obtained from Saltville, in Virginia, is limited. The wants of citizens, daily becoming more urgent and alarming, will absorb all of that, if permitted, and the drafts of the Government upon the same fund will cause ruinous prices and great destitution.

"One reliable party in New Orleans offers to supply 100,000 sacks of salt, or more than is called for by the rapidly expiring contract at Saltville. Other articles—such as coffee and flour—are also offered from New Orleans. The supply of flour from that quarter will enable the soldiers from the South-west to use that in part as a bread ration instead of corn-meal, which must otherwise be their sole reliance for bread. The reserve of coffee for the sick is being rapidly consumed. No other prospect of getting more presents itself, but the necessity of a sufficiency is important. The success of the enterprise is doubtful, but the opportunity afforded by the venality of the enemy ought not to be lost. If we thereby obtain the use of the Mississippi from Memphis to New Orleans, until such time as the whole or a large part of the needed supplies shall have been obtained, it will be a great benefit.

"Its effect upon the *morale* of the enemy, and the political results of such a policy, however important in themselves, are questions which, as they have not entered into my calculation, I do not discuss. My action proceeds entirely from a sense of the absolute necessity of these supplies to feed the army, and to subdue the want which has already manifested itself both in General Lee's army and the Army of the West, under the privations to which they have been subjected. Respectfully,

"L. B. NORTHROP, C. G. S."

To this no official reply was ever received; no contract was made or permitted. Among the reasons which induced President Davis to withhold his assent were these: *First.* He judged that the Federal Government would become bankrupt if it could not obtain cotton. *Second.* He suspected that the enemy was seeking, under cover of a contract for supply, to ascertain the location and condition of certain of our defenses. *Third.* He held that the trade in cotton, on the part of the Government, would demoralize the people. *Fourth.* He feared lest, should we let cotton go out from the port of New Orleans, Europe might think that we had succumbed, and might therefore refuse to recognize us or to intervene.

But the necessity of obtaining meat from abroad was becoming daily more urgent, and it so happened that just about that time—November, 1862—Captain W. G. Crenshaw, a merchant of Richmond, was about to be sent to Europe on business for the Navy Department. The well-known fitness of Captain Crenshaw for that position, induced the Commissary-General to request of the Secretary of War that he might be permitted to use his services in obtaining supplies, especially of meat and coffee, through the blockade. A scheme was accordingly arranged, by which it was hoped that our deficiencies in subsistence might be supplied.

The plan was to support individual enterprise with Government capital, thus securing to the individuals the insurance of many ventures in the hazardous business of blockade-running, and to the Government the vigilance and intelligence of private parties. These private parties were to sell the cotton and purchase the return cargo, charging two and a half per cent. commission on each transaction; and the Government was to purchase the cotton on this side at a commission of two and a half per cent., with a reserved right to all the private freight room, at an agreed rate per ton, being two-thirds less than had been previously paid to other blockade-runners. On his arrival in England Captain Crenshaw made a contract for six vessels, but only five of them

were delivered. Two of these were lost on the coast of Cape Fear in coming in; two others were lost in their first attempt to come in; the fifth was captured on her fourth trip.

But during the spring and summer of 1863, great quantities of meat were shipped to Nassau and Bermuda by Mr. Crenshaw, for the Commissary Department. For some reason the Government agents in those islands neglected to tranship these stores for home, and most of them remained there until another line of steamers was started, in the following year. Of course the loss of meat by spoiling was enormous.

In consequence of these and similar failures, the army, especially in Virginia, was put on short rations—first, one-half pound of meat a day, then one-third; later, one-quarter of a pound. This meat was obtained partly by the tax in kind, partly from the scanty accumulations in the South, but almost entirely by purchases made at nominal prices under an odious impressment law, which has taxed the patriotism, liberality, and means of the people to the utmost limit of endurance.

And now, recourse was again had to the Mississippi River frontier. On the 18th December, 1863, a contract was proposed by a party who represented himself, and I think truly, to the Secretary of War, as having very extensive relations with the other side. The payment of the supplies was to be in cotton; the officer to receive and pay for them was ordered to that duty; and Lieutenant-General Polk was instructed by the Secretary of War to assist all the parties in executing the contract. But the agent of the Treasury Department, who alone could furnish the cotton, refused to coöperate, and the supplies had to be sent back. Another attempt at barter was made, but that time the whole cargo was confiscated by a military commander, and the contractor has ever since been vainly endeavoring to obtain payment for his goods.

A new line of steamers was started in the spring of 1864, by Crenshaw & Co. One of their vessels was lost on the coast of Ireland in coming out; another upon her second voyage. There remained two others, both very superior steamers, one or both of which had been paid for by advances made by Crenshaw & Co. Under the contract, the Government was obligated to furnish the whole cargo of cotton, but it failed to do so—indeed, it did not possess the means of transporting it to the sea-board. Accordingly, the Government was induced to sell one-fourth out of its three-

fourths interest in the steamers to the Supply Importing Company, composed of various railroad companies and persons interested in railroads. As this new contract provided for twelve steamers, it was hoped that some good result might at last be reached. But in the very inception of the enterprise the Government decided to take the Atlanta, the best vessel of the fleet, for a cruiser. In vain did the company protest; in vain did they represent the embarrassment to which they would be subjected, in meeting their obligations to the English ship-builders, if the vessels by which cotton was to be shipped were seized. They urged that at the least two thousand bales of cotton might be shipped by other vessels to Mr. Crenshaw. But only one thousand bales were sent, after considerable delay, of which only three hundred and ninety-six reached Bermuda. Though the Atlanta was, by disinterested experts, appraised at £46,500, the Government would only pay £25,000—that is, £12,500 to the private parties. But notwithstanding the seizure of the Atlanta, and the fact that, except the three hundred and ninety-six bales of cotton, the Government never assisted the enterprise by the slightest advance, other vessels were built and paid for by the credit of the private parties, and by receipts of cotton from those successively put on the line; and these vessels have brought to Wilmington three times as much subsistence as all the vessels that sail under the regulations.

In January, 1864, a contract was made with Wm. J. Stoddard, permitting him to barter cotton for meat in the region of the Tennessee River. Upon making this contract, Colonel Northrop requested Mr. Memminger to turn over to him three thousand bales of cotton, which the Treasury held at Memphis. This the contractor could have exchanged for cotton nearer the Tennessee. But Mr. Memminger refused, and so the enterprise lagged till last fall, when Mr. Stoddard dispatched from Marion, Alabama, for the Tennessee, a train of wagons, loaded with cotton. But the train was seized by the scouts of General Daniel Adams, taken back to Marion, and there held. This proceeding was reported to the Secretary of War, who afforded no redress.

On the 5th December, I brought the condition of things to the attention of the Secretary of War, appending a statement of the subsistence on hand, which showed that we had *nine* days' rations for General Lee's army. I quoted General Lee's letter to the Commissary-General, that day received, in which he stated

that his men were deserting on account of short rations. But no action was taken. On December 14th, nine days afterward, General Lee telegraphed Mr. Davis that his army was without meat. Fortunately, disaster was momentarily averted by the timely arrival of supplies at Wilmington in the Crenshaw and Power, Lowe & Co. steamers. The Navy Department also turned over to us three hundred thousand pounds of meat which they had accumulated at Charlotte; and Governor Vance gave up to us nearly all the meat he had collected in his State for the families of soldiers and the employés of his Government.

During the whole period of the efforts to put the question of meat supply from abroad upon a proper footing, the meat in the limits of the Confederacy was constantly reduced in amount.

The well-known effects of a depreciating currency in causing supplies to be hoarded, rendered it necessary to impress them. This mode was legalized by acts of Congress, which failed, however, to enforce it by penalties. In some States, the feeling against the law has rendered it almost inoperative, and in many, judicial, gubernatorial, or legislative action has practically nullified it. Under the rapid depreciation of our currency, to impress supplies on tender of the merely nominal price fixed in the several States by the commissioners of appraisement, is regarded by the people as the levying of an unjust and tyrannical tax. But, on the other hand, if the Government be required to pay what is called market rates, the effect on the currency may well cause anxiety.

On the 6th November, 1863, an order was issued by the Secretary of War, that no supplies held by a citizen for his own consumption, or that of his employés or slaves, should be impressed, and that "no officer should at any time, unless specially ordered so to do by a general commanding, in a case of exigency, impress supplies which are on their way to market for sale on arrival." This may have been a proper order, but on November 14th, Major B. P. Noland, Chief Commissary for the State of Virginia, addressed a letter in regard to it to the Commissary-General, of which this is an extract:

"The construction given to that order has filled the land with purchasers; private individuals, railroad companies, manufacturers of all kinds, corporations of every class, relief associations of cities, towns, and counties, are personally, or by their agents, in the market buying a year's supply, unlimited as to price and protected from impressment. Speculators are also at work,

whose purchases are, of course, always *in transitu*, and they are also protected. This sudden influx of purchasers into the market has stimulated the cupidity of producers and holders of the necessaries of life, and has induced them to withhold their supplies, and has already raised the prices of all the prime articles fully one hundred per cent. within the past month. These are facts, and, in view of them, I ask, Is it surprising that our returns from purchasing officers for the past month show that they have done almost nothing? Our officers cannot buy; nor is it reasonable to expect parties to sell to the Government at schedule price, when double that price is offered at their door by others. They cannot impress, for holders have with great promptness contracted for all their supplies with parties who pay them higher prices, and thus it has as naturally as surely happened that our regular supplies have been cut off. This is especially the case with meat.

"We have received scarcely any by purchase or impressment, and have fed the troops, hospitals, etc., solely from our depots. The supplies there are now much reduced, and can last but a few weeks longer. When that supply is exhausted, our soldiers will be without meat.

"I cannot undertake to propose a remedy for this condition of things; but much good would, in my opinion, be done by a total rescission of that order, or by such modification of it as will only protect from the impressment such supplies as are bought at schedule rates, or by abolishing all the restrictions which the schedule imposes on the Government officer.

"If discrimination cannot be made in favor of the soldier who, without shelter, is fighting our battles, at least put him on an equal footing in this matter of supplies with the private citizen who, with a roof above him, can better stand a short allowance of food."

On December 5th he writes again to the same effect, and states that the army of Northern Virginia had then only four days' supply of fresh beef—reduced rations at that.

To make up this deficiency, resort was had at once to the requisition of the green pork due under the tax in kind law, and to contracts for beef to be obtained from without our lines. By January 8th, the Secretary of War was compelled to order the purchase of meat without regard to impressment rates, which were again restored when a small surplus had been obtained. Since that time, the supply of cattle for the army of Northern Virginia, with the exception of about fifteen hundred head obtained from South-western Virginia, has all come from beyond our lines, and has in most cases been paid for in greenbacks or gold. Much of these supplies have been permanently cut off by the ravage of the valley and of Loudoun and Fauquier. Whether it will be possible to make up the deficiency thus created by supplies from North-western Virginia, is not certainly known. But supposing the money to be in hand, it can hardly be expected that the movement of not less than a thousand or fifteen hundred bul-

locks per month from that region will fail to attract the attention of the enemy. Should it be determined to give up Richmond, the difficulty of this branch of supply will probably be increased.

The amount due from bonded farmers and exempts in Virginia is one million pounds each of beef and bacon, of which all the beef has been paid in, and some of the bacon, at twenty-five per cent. deduction, according to law. As efforts are making to commute a good deal of the balance, and a portion of it has already been paid in beef, and as many parties, from the ravages of the enemy, diseases among their hogs and cattle, and from drought, will be unable to pay, it cannot be safely estimated what can be obtained from that source; but half a million pounds can only furnish rations for General Lee's army for fifteen days.

But little need be said of bread. Under the same difficulties that have beset the obtaining of meat, it has been obtained and fed to the army in a quantity which, if enough for life, certainly does not satisfy the appetites of the men. In Virginia, the supply of breadstuffs is exhausted, and but little more can be expected, even after the next wheat comes in. Much of the last crop was necessarily used by the farmers, who made very short corn crops under the joint effects of freshets and droughts. The present corn crop is no better, probably worse, than the last. Add to this the destruction of whole districts by Federal armies, the effect of calling out the whole reserve force, and subsequently of putting into the field or in camp all detailed farmers, at the period of seeding wheat, and the absconding of negroes under the fear of being placed in our armies, and it is apparent that no bread can be expected from Virginia. There is enough in Georgia, Alabama, and Mississippi; its procurement depends upon the ability to command money and transportation.

It has been a constant cause of embarrassment to the Subsistence Bureau, that in only two cases has it ever been officially notified of proposed military movements of importance; hence, it has been unable to meet the necessities of campaigns. But when it became apparent that the army must be subsisted from within the Confederate lines, the plan was adopted of appointing for each State a chief commissary, with proper officers and agents under him in the several districts into which the State was divided. It was arranged that there should be monthly reports of purchases and impressments, and estimates of future accumulations, and semi-monthly reports of material on hand at the vari-

ous posts and depots. But this plan was defeated by the conscription of our best men, if they happened to be able-bodied.

An obstacle nearly as great as lack of funds has been the deficiency of means of transportation, both by wagon and rail. This subject engaged the attention of the Bureau as soon as the Government was established in Richmond. This I know from having been consulted by the Commissary-General on the transportation problem, a few days after his arrival. I at once took him to a certain president of a railroad company, who had given the subject much study, and who had projected a through freight schedule from New Orleans to Richmond. With that gentleman he visited the Quartermaster-General, who did not approve the plan. From that time till now there have been constant failures in that branch of the service; many a time has the army been in danger of starvation, and the efforts of the Commissary-General have been unflagging to prevent disaster from that cause. On this head suffice it to say, that his letter-book has been examined somewhat hastily, and that the examination shows thirty cases in which he treated the subject of transportation, at greater or less length, in letters and indorsements. Of these, seventeen were addressed to the Secretary of War, one to General Lee, and one to General Bragg. I have myself been witness of several conversations on this subject between the Commissary-General and the Secretary of War, in which he pressed this point with pertinacity. He had reason for the interest thus manifested.

Five times before the 14th of December, 1864, had General Lee's army been reduced to one or two days' rations from want of transportation. On the 2d May, two days before the battles of last spring commenced, there were but two days' rations for his army in this city. On the 23d June, when the Federal Generals Wilson and Kautz cut the Danville Railroad, which was not repaired for twenty-three days, we had only thirteen days' rations on hand for General Lee's army, and to feed it we had to offer market rates for wheat, thereby incurring an excess of expenditure which, if paid for corn and transportation, would have moved ten millions of bread rations from Augusta to Richmond.

The Federal prisoners, whose removal to a more abundant country, where they might get their supplies on the spot, the Commissary-General had repeatedly requested, were not removed until the spring of 1864, when they had consumed our entire reserve of thirty thousand barrels of flour. General Lee had

urged the importance of having at least thirty days' reserve here, or here and at Lynchburg, and it was a duty to meet his wishes. The Commissary-General repeatedly offered suggestions for the improvement of the transportation service. One plan proposed by him was very simple. It was to stop all passenger trains, and, if necessary, all private freight trains, until the Government freight should have been brought on. In January, 1864, the Secretary of War had promised that this would be done, but the order was not given till March or April. At once Government freight poured in, and in two weeks we had more subsistence on hand than we had accumulated before in any one month. But in a very short time the order was revoked, and we relapsed into our former state as to transportation. Ever since it has been growing worse. It is proper to say that the President has been made aware of the condition of the commissariat by advices forwarded directly from this Bureau.

F. G. RUFFIN.

THE

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Tros Tyriusque mihi nullo discrimine agetur.

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PAGE.

I. DO THE SPOILS BELONG TO THE VICTOR? By ANDREW D. WHITE, President of Cornell University. . . 111

II. A REMEDY FOR RAILWAY ABUSES. By ISAAC L. RICE, LL. B. 134

III. REPUDIATION IN VIRGINIA. By JOHN W. JOHNSTON, United States Senator. 149

IV. THE LANCET AND THE LAW. By HENRY BERGH. . 161

V. THE CHRISTIAN RELIGION. Part III. By Professor GEORGE P. FISHER. 170

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DO THE SPOILS BELONG TO THE VICTOR?

THE movement against the spoils system seems now developing in obedience to a law of history. Just as Wycliffe and Huss failed before Luther ushered in the Reformation, just as Sidney and Russell failed before Danby and Somers accomplished the revolution of 1688, just as Turgot failed before Siéyès and Mirabeau brought on the revolution of 1789, just as Garrison and Lovejoy failed before Lincoln, Seward, Sumner, and their compeers succeeded in 1861, so the failure of Mr. Jenckes in 1868 seems destined to be followed by success at no distant day. The only question seems to be, what names shall be written in history as the successful champions — what statesmen shall have the foresight and strength to lead the movement and go into power with it.

The reasons why civil-service reform has been held in abeyance are not far to seek. It was first proposed when questions of life and death were upon us — questions which must be settled at once. When Mr. Jenckes labored to convert Congress, it was a question whether all that was gained by the civil war might not be lost by chicanery. Shortly afterward came the question whether the nation should win eternal honor by standing to the letter of its financial obligations, or eternal contempt by paltering with them. To expect the American people to undertake

civil-service reform at such a time was like expecting a man to begin repairing the plumbing and drainage which are poisoning his household when his roof is on fire. Yet the effort of Mr. Jenckes bore fruit of a noble sort — and, best of all, the plans presented by Curtis and Eaton, and the beginning made by Presidents Grant and Hayes. But this fruit was like strawberries sprouted in March. There came little warmth of the American heart upon it, for the great mass of patriotic thought was still concentrated upon efforts to avert national dishonor.

The reconstruction question, and the currency question, are now mainly behind us. The American people have decided for freedom and law in the South; they have decided for financial honor; they have decided that the main pillars of the tariff policy shall not, at present, be disturbed. There must, of course, be much thought and work on each of these questions from time to time; but each has been taken out of the category of pressing public issues. There is now room in the American heart and mind for the consideration of a reform of the civil service. There are many signs that thinking and thought-suggesting men in all parts of the country are pondering it. Among young men there is, in various parts of our Northern States, an apparent beginning of the same ardor which heralded the old free-soil movement. *Ex oriente lux:* from New England, as in every great movement for the political advancement of the country, come earnest utterances; and they are echoed from the West — especially from Ohio, which in these days seems to hold the position which Virginia held in the early history of the Republic. The signs are that the movement has begun, that it is real, that it is in earnest. The fact that some of its advocates are Adullamites, and intemperate in language, that some of its opponents are honored political leaders, and powerful in argument or ridicule, is no more likely to be fatal than similar support and opposition were fatal to the antislavery movement in 1849–50.

The complaints against the present system may be summed up nearly as follows:

First. That the petty interests of a comparatively small number of citizens constantly encroach upon the most important interests of the entire nation; that a large share of the labor and care of the executive and legislative branches of the Government is confiscated by a petty minority; that the system has at last in this respect become intolerable.

Three experiences within the knowledge of the present writer will serve as types:

In the darkest hour of the late civil war, a great question arose in a thriving Northern town, which for the purposes of this article shall be called Pepperton. This question was nothing less than this: which of two local henchmen shall be postmaster. The contest waxed fierce. Deputation after deputation rushed to Washington,—saw the Congressman, the Senator, the Postmaster-general, the President himself;—besought, insisted, badgered. The subordinate henchmen thronged the corridors of the Capitol by day, and the bar-rooms by night. The attention of honorable members was besought for articles in the "Perkins County Herald" on one side and the "Pepperton Register" on the other. Monster petitions were forwarded by either side,—petitions all the more monstrous because most people signed both.

Meantime, the civil war dragged on with increasing horrors. Rivers of blood had flowed, billions of treasure had been flung into the abyss, when a good old Pepperton judge—a steady Presbyterian deacon—visited Washington to see what light he could get on national affairs. In due time he stood before President Lincoln. The judge was shocked at the careworn face of the President, tried to comfort him, and said: "Mr. Lincoln, I am sorry to see you not looking so well as when you passed through Pepperton. You must not let the rebellion wear upon you. The Lord is with us: He will not permit slavery and disunion to conquer. He has purposes with this republic which——" "Oh, Judge," said Mr. Lincoln, "it isn't the rebellion that is killing me—it isn't the rebellion; it is your plagued Pepperton post-office!"

This utterance of Mr. Lincoln—which is historical—goes, like so many quaint sayings of his, far into the marrow of the evil; columns of argument could not so well reveal the effect of the present system upon the executive; and the fun becomes grim earnest when one recalls the fate of Harrison and Garfield.

At a later period, the writer of the present article talked at Washington with a senator widely known for his ability and integrity. The great reconstruction measures were drawing on. It was a critical period. On what was then done depended largely the happiness, the prosperity, the credit, possibly the life, of the republic. The senator talked admirably. The writer

asked him: "Why not make a thorough study of this question? Why not present an argument to the Senate that shall help the nation in this emergency?" The senator pointed to his table, and answered: "I have no time; there are over fifty letters upon a single appointment at the Custom-house."

At a still later period, the writer visited the House of Representatives, and sat beside a member of Congress whose character and talents are recognized throughout the country. A measure of great national importance was coming up; it aimed at nothing less than the education of the millions whom the war changed from slaves into citizens. The writer asked him: "Why not make a careful study of this, and a speech which will give honor to your State and profit to the country?" The member opened the drawer of his desk; it was crammed with letters. "There," said he, "is the reason why I cannot. That is this morning's mail; and nine-tenths of it is made up of letters from people who expect me to put them in office or keep them in office."

These three bits of history are simply typical. They serve to show in some slight degree how the present system weakens the Executive, the Senate, and the House of Representatives. A citizen is elected President. The most weighty duties confront him —the choice of his constitutional advisers, the disposition of pressing public questions, the selection of persons who are to take offices in which conformity to the party policy is necessary to administrative unity. Senators, and representatives, too, at such times have more than enough of legitimate public business. Yet it is just at this moment that the swarm of place-hunters descends upon the capital, and the interest of the nation is postponed or slighted. Last June, Mr. Windom, Secretary of the Treasury, said: "In the last one hundred days, a few thousand men in search of office have taken nine-tenths of the time of the President and his Cabinet. This time is due to the fifty millions of the people, rather than to office-seekers." *

Hardly less injurious directly, and more serious indirectly, is the effect upon the people at large. We boast that we do not tolerate lotteries and public gambling; but here is a national lottery more demoralizing than any known to Spain or Naples. The prizes are tens of thousands of offices, to be got, not by service, but by a scramble. The expense of the scramble is the least of its evils. There is no town of any size in our land which

* Speech at Long Branch, cited by Mr. Foster.

does not show some young men utterly unfitted for steady endeavor, some old men wrecked for any useful occupation, by the seeking or the temporary possession of some petty office. Great numbers of men, young and old, are demoralized by the sight of the prizes thus won, and accustomed to think of Government employment and promotion as the one exception to all healthy rules—things to be won by plotting and trickery and luck, rather than by steady, manly service.

Again, the present system vitiates the proper relation between the executive and the legislative branches of the Government.

The theory of the Constitution is that the executive and the legislative branches shall be kept separate, and each left to its own conscience and judgment. Herein our Government, when it was established, differed from every other. Historical students like Adams, Hamilton, and Jefferson, in and out of the Constitutional Convention, knew the evils of the tyranny exercised by a strong executive over a weak legislature, and by a strong legislature over a weak executive. Hence it was that such pains was taken to maintain the independence of each in this republic. But the spoils system inevitably tends to bring this beneficent provision to naught. How can the President maintain his proper independence when his appointing power must be made a means, not of securing the best public servants, but of bribing legislative support? How can the Senate maintain its proper position as the confirming power, when its members are obliged constantly to give "advice and consent," not in the constitutional sense, but in the sense of office beggars? How can Senate or House maintain its proper independence as a legislative body when so many members of each must be constantly placing themselves under obligations to the executive, in order to secure appointments for their constituents?

And another consideration connects itself closely with this. The Senate of the United States has been, from the foundation of the Government, an admirable legislative body. A shrewd political thinker has said that the American Senate is as far superior to the House of Lords as the House of Commons is superior to the House of Representatives. We hear sometimes of "the dignity of the Senate." Fools scoff at it; wise men hold it precious. But what worse thing for senatorial dignity than the present system? Some years since, one of our greater States sent to the Senate a man especially recommended by high character and

attainments. It was a most important period in the national history, and much was expected of him. Unfortunately, his kindness of heart and views of his own interest led him to give his time, thought, and work mainly to securing offices for his constituents. Great measures were introduced into the Senate; but his voice was rarely heard, and then his soul was not behind it. He never discussed an executive proposal: he simply echoed it. The secret of all this was revealed when President Lincoln casually and quaintly remarked that he never went to sleep without looking under his bed to see if the senator might not be there, wanting something.

It may be mentioned, as a pregnant historical fact, that, when the senator came before the legislature of his State for reëlection, neither his old reputation for ability nor his new reputation for zeal in securing appointments could save him. Many of the very men whose wishes he had forwarded, denounced his legislative inefficiency. The general voice called for a senator who could say something and do something on public questions, and a rival was elected.

Again, the spoils system vitiates the relations between the representative and his constituents. The inevitable tendency of the present order of things is away from the idea that a candidate is to win by high character, by thorough preparation, and by public services. The question tends to become, not, "Will he represent the highest interest of the district, the State, the nation?" but, "What combination can he make with office-seekers and office-holders,—has he baits enough to secure the caucus, —has he patronage enough to control the convention?"

Knit into this is, in many districts, another evil—rapid rotation in office. Of all the absurdities of our present system, this is one of the most glaring. Under this, in a large part of the country, as soon as a representative or official of any sort has gained experience which makes him valuable, he is "rotated" out, and a man without experience is "rotated" in. Any one acquainted with legislative bodies knows that, whatever may be the worth of the average representative during the first term, he is twice as valuable to his constituents and to the country during his second, and five or ten times as valuable during his third term. Nothing aggravates this vicious state of things so much as the spoils system. There is a profound philosophic truth in the remark that every bestowal of

an office makes ninety-nine enemies and one ingrate. Senator Dawes informs us that this fact begins more and more to be recognized among representatives in Washington;* and he seems to expect some future benefits from the increase of this view. Ten years ago, the present writer, being in Washington, asked concerning two senators, one of whom, A., had the bestowal of all the patronage of the State he represented, and the other, B., none. The shrewd response was: "A.'s patronage really weakens him, and B.'s want of patronage strengthens him. Twenty men come to Washington to secure a particular office. They go to A., and he gives it to one of them. The nineteen disappointed go to B., and he tells each confidentially that, if he had the power, he would appoint him. The twenty go home. A. has gained one friend and nineteen enemies; B., nineteen friends and one enemy."

Every one conversant with the recent history of New York knows that Mr. Seward held his party with hooks of steel while senator, though he had no offices to bestow. Not being called upon to give attention to patronage, he found time to discuss great public measures. His speeches went into every Republican household. In every school-district, sturdy farmers gathered the family during the long winter evenings to hear the eldest boy read the speech on the "Irrepressible Conflict," or the "Collins Steamers," or the "Repeal of the Missouri Compromise." The farmers as they drove their teams afield, the mechanics as they pushed the plane, discussed these utterances and were proud of their representative. That the newspaper of widest circulation in the State ridiculed him, that old party leaders denounced him, that the most brilliant writer in the party was in dispute with him, made no difference. Throughout the State there were business men generally considered selfish and even grasping, men who never asked an office, but who would have thrown their whole fortunes at his feet, had such sacrifices been needed. Yet, when he became Secretary of State, and held a vast mass of Government patronage, he utterly lost control of his State. Of all the melancholy sights the writer ever witnessed in political life, the saddest was the arrival of the great Secretary at Albany with President Johnson in his train, when he discovered that the State once so devoted had become indifferent and even hostile,—that his own old State stood listlessly while its legislature

* See his article in the Christmas number of the "Independent."

recognized the presence of other State servants by name, but contemptuously refused to recognize him. And yet this was after five years of patronage and power.

Take the great leader of the opposing party in the same State. Who does not know that Horatio Seymour is far more powerful without patronage than he ever was with it?

The history of the presidency, in recent times, gives striking confirmation of this view. Before patronage came to be used in paving the way to reëlection, the Presidents, as a rule, served two terms; since patronage has been thus used, they have, as a rule, been cut off at the end of one term.

Nor is this confined to the leaders of parties; it acts on men of all grades of ability. The fact that a man of any strength, whether in executive or legislative position, is stronger without patronage than with it, has in England become an axiom. Said Mr. Mundella, in his speech at the Cooper Institute, some years ago: "I represent in Parliament a district which it is no exaggeration to call one of the two or three most important in the United Kingdom; and yet, thank Heaven, I am powerless as to the appointment of the pettiest tide-waiter in the empire." Mr. Gladstone, whom we would suppose in his bitter struggles of these later years to need every weapon against his enemies, recently exulted that the only office in his gift was that of his own private secretary.

Still another evil is the imperfection of our civil service as it stands. This we may concede to have been sometimes overstated. The President, in his recent message, has replied with some warmth to such loose charges. Senator Howe has shown many of them to be fabrications,* and Mr. McCulloch, though urging reform, has declared them exaggerated.† Yet no one can fail to see that the present system is, and, in the nature of things, must be, very defective. As one sees the class of men who are strongly pressed by persons of influence for various positions, the wonder is that the existing system has any efficiency at all. The present writer, three times in his life, has been called to deal with this question somewhat directly. In the first place, he was intrusted with the selection of a number of scientific experts for a Government expedition; and there was an amazing revelation of the ideas of multitudes of good citizens—and, indeed, of persons

* In THE NORTH AMERICAN REVIEW for May, 1878.

† In the Christmas number of the "Independent," 1881.

high in office—regarding the qualifications of the persons needed. Geologists were pressed who could not tell coal from lignite, though that was one of the things that the Government especially wished to know; naturalists, whose one idea of the difference between the temperate and the tropical flora and fauna was that in one you find boa constrictors and oranges, and in the other black-snakes and apples. At another time, it was his duty to aid in selecting experts to represent our country at a great national exposition. Scores of men presented themselves, not only indorsed, but pressed — and generally without a scintilla of the technical knowledge required. At a still more recent period, when about to proceed on a foreign mission, his mails were burdened with recommendations for secretaryships and attachéships, often given by men in high position to persons who had not the faintest idea of the simplest principles of international law or of diplomatic procedure, who spoke no foreign language,—who, indeed, could neither speak nor write their own correctly.

Now, a consideration of each of these experiences is instructive, but a comparison of all three is still more so; for it shows that very much the same class of persons were pressed in each and every case, no matter what the duties. Whether there was need of scientific experts or industrial experts, or men versed in history, international law, diplomacy, and modern languages, the great majority urged were equally unfit for all these positions. The wonder, then, is that the system works at all. What success it has is only an exemplification of the German proverb: "Nothing is eaten as hot as it is cooked." That the highest success can be achieved by it, no sane man can believe.

But, granting that the present civil service is fair, or even good, the main question is not answered. The great desire of the country is to get the whole mass of minor offices out of politics; to relieve President, secretaries, senators, and members of Congress of them; to give all these men time for their public duties; to stop the influence of office-holders upon the caucus as far as possible; to substitute a democratic system of appointment and advancement won by merit for the essentially aristocratic system of arbitrary appointments won by influence.

Still another evil of the system—perhaps the most threatening of all, though less realized, probably, than any other—is the strain brought by the present system upon our great political contests. Many of the most thoughtful republicans of the Old

World insist that the most dangerous part of our whole constitutional edifice is the presidency. The mere contest of principles seeking recognition or mastery they declare not so dangerous; but, when these principles are incarnate—represented by opposing candidates, each a center of the personal love or hate of millions—the contest becomes far more serious. The Swiss Republic has sought to avoid this danger by doing away with presidential elections. Though not yielding to the reasoning of such men, we may hold to Washington's view, that our national political contests between great parties are quite as bitter as it is desirable, or even safe, to have them. Many of our best political thinkers declare that, if the republic is ever again torn by civil war, it will be due to passion engendered by partisan devotion to rival leaders, each claiming the presidency. This danger may be great or small: it is certainly real. The part of a wise statesmanship is to provide against the danger, or to diminish it as far as possible. We cannot do away with the presidency, even if we would. The only course left us is to diminish the bitterness of partisanship as far as possible, and to take care that, if a strife occurs, there be not too heavy a mass of self-interest united with party spirit in outweighing reason and patriotism. But, under the spoils system, the danger increases from year to year. The hundred thousand office-holders striving to keep in, the million office-seekers striving to get in, do their best to sharpen partisan feeling. As our country shall become more and more populous, as the avenues to wealth and competence shall be more and more difficult, just as is at present the case in older countries, the desire for office will be stronger and stronger, while the number of offices will grow larger and larger. The path of safety would certainly seem to be in making this vast mass of subordinate offices, just as far as possible, independent of partisanship, and throwing it on the side of peace and good order.

The Pendleton bill is the only measure yet presented which even claims to give us a clear and intelligible path out of these difficulties. Its essential features are: 1. Admission to the lower ranks of the service by competitive examination and after probation; 2. Advancement by merit, to be ascertained by examination; 3. Restriction to public offices having at least fifty subordinates. In its favor are the following facts:

First. It applies to our problem the most careful reasoning. A number of unprejudiced men, whose powers of thought in

various directions are acknowledged, have, after twelve years of discussion, united upon the plan. Though various criticisms have been made, no other plan has been carefully wrought out.

Second. It is the result of the best experience — first, of the nation from which we have mainly derived our ideas of civil liberty, many of our methods of exercising political liberty, much of our system of administration, and many elements of our political thinking. Its success among our kindred across the water is triumphant. Though there was bitter opposition when it began, though many excellent thinkers prophesied against it, its working has silenced all gainsayers. Statesmen of both parties agree that it is a success, and the whole nation is agreed never to go back to the old system. The plan proposed has been tried by our kinsmen on various scales, among various peoples, under various circumstances, and always with success. In the British Islands, in the colonies, in British India, where population is crowded and where it is sparse, where it is accustomed to self-government and where it is not, it has worked thoroughly well.

Not less favorable is our own experience. On a limited scale, it has already been adopted in our metropolitan custom-house and post-office. In both these the results have brought great credit to the men who began the system and carried it out, as well as an acknowledged improvement in the public service.

Third. It is in the line of the democratic tendencies of this epoch, and in the best sense. In Great Britain, it has struck a killing blow, so far as the internal administration is concerned, to the control of an oligarchy. The service is no longer a lounging-place for younger sons, scapegraces, and fools of the family. It has thrown open the service to the whole people, and by the most democratic and republican of all tests — simple proof of merit. The same result would doubtless follow with us. The civil service of the United States, instead of being, as at present, the appanage of a kind of aristocracy of officials,— "influential men," "leading men," "foremost citizens," "wire-pullers," "bosses," and the like,— would belong to the whole people. The poor man's boy and the rich man's boy would stand an equal chance. The worst features of an aristocracy — subserviency to dispensers of power — would be ended.

Fourth. It would certainly relieve the President, Cabinet ministers, senators, members of Congress, from the constant nagging and gnawing of office-seekers,— give them time to attend to

their important duties, and turn their thoughts more toward the service of the country at large.

Fifth. It would relieve politics of one of the main sources of corruption—coalitions and combinations of office-seekers. The occupation of henchmen fed on spoils would become far less enticing.

Sixth. It would doubtless lengthen the tenure of elected officers, enabling them to acquire more experience and to use it better. In this view, it is the interest of every man of fair character and ability at present in power, whether executive or legislative, to support the proposed system. What every such man has to fear at present, more than aught else, is simply the struggle of the "outs" against the "ins"—the nine men whom he could not make secretaries of legation or consuls; the nineteen to whom he could not give places in the post-office or the internal revenue office; the twenty-nine for whom he could not secure lodgment in the custom-house; the thirty-nine for whom he could not get door-keeperships, or clerkships of committees, or pageships in the national Capitol; the forty-nine whom he could not quarter upon the departments as clerks, messengers, or janitors. These are his active enemies; these are they who undermine the man's reputation; who try to "get even with him"; who, if he phrased his refusal softly, call him false, and if he was outspoken, call him brutal; who sigh for a change, and who get elected to caucuses and conventions to work for it. The great mass of our people are inclined to be very fair to an executive or legislative servant. They are not inclined to disturb him if he does reasonably well. They naturally like the man whose name they have already seen on their triumphant banners and ballots. Where the disturbing influence of office-seeking has been least, the tenure of representatives has been longest and the service best. People used to complain that the South had far more than her proportionate influence at Washington. The reason was simple. Congressmen were nominated by a straightforward process, which largely cut off the influence of mere intriguing and wire-pulling. The candidate "stumped his district for the nomination," and relied on frank appeals to his constituents rather than upon patronage.

Seventh. It would remove our greatest source of demoralization. The vast number of men of middle age, in all parts of the country, who now simply linger and "loaf,"—speculating on the

chances of this trick or that combination, laboring or waiting for this man to come into power and that man to go out, unfitted thereby for any profitable thought or serious work,—would be driven at once to some steady occupation. A great number of young men just entering active life, who, under the present system, are led to believe that the path to success is by hurrahs for "bosses" and dirty work for wire-pullers, would be led to the diligent study and thought required for a competitive examination.

The demoralization thus prevalent among young men is more serious than many think. It has spread wide and penetrated deeply. I believe that the great majority of educators who, like myself, have had to do in various places and through a series of years with young men, will agree that the most serious evil which they have had to combat during the last fifteen years has been cynicism and pessimism. Youthful enthusiasm advancing age will generally cure; pessimism and cynicism are diseases which naturally increase with age. Those who had to do with young men before the war will remember that the fault then was perhaps too much enthusiasm about the "glories of liberty," "extending the area of freedom," and the like. But lucky it was for the country, when the civil war came, that such was the spirit of its young men. They who to-day talk calmly with young Americans of the sort who are to make or mar the future, cannot but be struck by this change. There seems a wide-spread belief among them that political life is, after all, a game of grasping and griping,—that generous sentiments are the badges of fools, that patriotism is an outworn lure of tricksters, that honesty and honor are entirely banished from the public service. Some of the political leaders, who are now opposing civil-service reform because they are sore at the injustice they have received from some of its supporters, will do well to think of this. The lies and slanders of which they complain thrive only in such a soil of cynicism and pessimism. Two-thirds of the attacks upon our public men would never germinate—nay, even those gorgeous creations, campaign lies, would rarely take root—were it not for the wide-spread demoralization created in great part by a system which makes absurd injustice familiar in every hamlet in the land, and makes people ready to believe anything against those in power.

Eighth. Still another field in which the reform would give us most valuable results is that of education. The President, in his

message, has justly laid stress on the demands of this field. The measure he proposes is wise and far-seeing—one, indeed, which many of the best men in Congress have been for years trying to carry, and which would have been a law long ago had legislators been less occupied with the demands of individuals for office.

But, much as may be justly hoped from that measure, it is as nothing compared with what the proposed reform would give us. Every public school, every academy, every college, every university, would be stimulated by it. In every one of these institutions there would come a demand, vastly increased, for vigorous instruction in view of the competitive examinations. Each body of instructors would be put upon its mettle in gaining and maintaining a reputation at the competition. Each of the instructed would have the necessity of thorough work brought home to him as it never can be when its object is distant and vague. The country, too, would thus gain what it has so long needed—a means of comparison between different schools and plans of education, and therefore a means of constant improvement to our whole system of public instruction.

Let us look now at some of the objections most frequently insisted upon.

It is said, first, that the existing system is far better than the ardent reformers acknowledge. Grant this. Grant, if our opponents please, that the present civil service is excellent—the "best on the planet." But it cannot be too constantly insisted that the great question is not so much how we shall better the civil service as how we shall get it out of politics.

Again, it is said that the present system, by virtually giving the recommendation of subordinative executive officers to members of Congress, brings the responsibility as near the people as is possible, and that the people at all times have it in their power to punish a representative who recommends unworthy men to office. This argument will deceive no unprejudiced man who knows anything of ordinary political management. One of the worst features of the present system is that it divides direct responsibility; and this in politics is always a capital fault. How much care the great body of men in the ordinary exercise of business will take regarding these appointments may easily be learned by noting the men and measures nine-tenths of them will sign petitions for.

Again, it is said that the method proposed is not that used in private business—that no business man employs competitive examination either in hiring his clerks or in promoting them. The objection is good simply on the surface. Essentially, the method proposed for public affairs is that which obtains in private business. The ordinary employer takes the best means accessible to secure talent and character: he himself examines the candidates as to talent, and he trusts to time to reveal character. But the exact method proposed *is* used in private business, and on such a scale as to furnish the best possible argument for its adoption in large Government offices. Spottiswoode's vast printing establishment in London, the Bank of England, the London and Westminster Bank, with four hundred and fifty clerks, the Railway Clearing-house, with fifteen hundred, are among those which have adopted it.* But, granting the difference in form between the method proposed and that which generally prevails in private business, what shall be said as to the methods now in use among us for securing subordinate public servants? Suppose the merchant or banker looking out for book-keepers, salesmen, cashiers, porters, to be beset by the political managers of his district, each with a train of candidates, each pleading service at this primary meeting or that caucus, each asking to be quartered upon the business, in order that he may continue to render such outside services! What business could live a year under such a system? What sane employer would think of using it for a moment?

Again, it is said that the method proposed excludes all save young men from the subordinate offices. Grant this: there is nothing in this contrary to democratic or republican theory or practice. The theory on which such an objection is made has a curious fallacy at bottom,—a fallacy, indeed, more comical than curious,—and this is, that the individual citizen has a natural right to hold office. If this be so, not only all offices, but each office, should logically be distributed impartially among all citizens. Whether considered as a burden or a privilege, every citizen should, on this theory, bear his share of every one of them. The logical result of the theory is, that every citizen shall at some time hold every office, even though he hold it but five minutes. The fact is, that a citizen of the United States as an individual, under our Constitution and laws, has no natural right to hold

* See Eaton, "Civil Service in Great Britain," pp. 321, 322.

office; but the citizens of the United States, individually and collectively, have a right that the offices shall be so held as shall best serve the general interest. We allow no man to be a voter until he is twenty-one, though multitudes of men are mature enough for citizenship long before that; we do not allow a representative to be elected until he is twenty-five, nor a United States senator until he is thirty, nor a President until he is thirty-five years old. Many of our States recognize the same principle. The State of New York allows no man to be elected Governor who is under thirty years of age, and no man to sit as a judge in her higher courts after he is seventy years of age; and this though it is well known that many men are entirely fit to discharge the duties of Governor below the age of thirty, and that some of the most distinguished judges in history have been in full force above the age of seventy. The simple question is: How can the right of the entire body of citizens be best secured? If a limitation is necessary, it can be as well fixed in the lowest subordinate office of administration as in the highest executive, legislative, and judicial functions.

But it is said that the proposed change will cut off from the service large numbers of men who have been unfortunate, and who need some work of just the sort which the country offers; that the offices have been found very useful for large numbers of excellent men who have been stranded in private business without fault of their own. The root of this is another very simple fallacy, and this is, that it is the duty of the Government to make provision for those who are stranded and who need help. If this be the case, by far the more economical and honorable way is for the Government of the United States either to establish vast asylums for such people or to grant them pensions. The present system and the asylum or pension system are identical in principle and in effects. No one doubts that, were such public provision made for the needy, a vast army of the needy would be created. Self-help would be at a discount. When Thomas Cromwell suppressed the monasteries in England, with their alms, aids, and doles to the needy, it was insisted by many that the country was ruined, but it was found that poverty was enormously diminished. Ill-considered office-giving, like ill-considered alms-giving, tends to create the paupers it has to care for.*

* For striking example of this, see Kay, "Social Condition and Education of the People of England," *passim*.

But stress is laid upon the objection that there are to be no removals save for cause; that appointments, being during good behavior, will be virtually for life; and fears are expressed that this would create a "caste," "unpatriotic," "separated forever from the thoughts, sympathies, and aspirations of their fellow-citizens." Now, the Pendleton bill is not open to this objection. It does not create a life-tenure. There is nothing in it incompatible with a tenure for a fixed number of years. But, even if tenure during good behavior were adopted, it can be demonstrated in various ways that the dangers feared are imaginary. Does any one pretend that our Federal judges or our State judges, appointed virtually for life, are any less patriotic than those appointed for short terms? But the objection cuts far deeper. If it proves anything, it proves that we have such a caste already, and one of enormous proportions; for the distinguishing fact which is to make our appointees "a rank, a grade, a caste," "separated forever from the thoughts, sympathies, and aspirations of their fellow-citizens," is securing to them an honorable position during good behavior. Now, this fact, which is the essential difference between employés in the contemplated civil service and their fellow-citizens, is precisely the same as that which separates from their fellow-citizens the vast body of the more valuable employés of all sorts in shops, stores, and banks, professors in colleges, and the like, whose tenure is for good behavior. But are these employés less patriotic than their fellow-citizens? Would they be more patriotic than they are if they were in daily dread of being turned out? It would certainly seem that such employés during good behavior would, under the action of the ordinary principles of human conduct, be more patriotic, more in sympathy with their fellow-citizens, less separated from them by disgust at injustice. They would have time to be patriotic—time to think upon their duties to their fellow-citizens and to their country, which, with their thoughts engrossed by plans for "hanging on" to their offices, is now impossible. The best violinist in the world cannot play a tune, if he must hold fast with both hands to his music-stand; the best official can hardly be expected to be a very good public servant or a very efficient citizen, if his best thoughts must be given to "hanging on" to his office.

Our opponents, who are so anxious to have the methods of private business used in bringing men into public employment,

should certainly, for consistency's sake, plead that the methods of private business be used in turning men out of public employment. But what sound business man ever thought of turning out his employés according as they held this or that political "theory of irregular verbs," or in accordance with this or that veering of the popular will, or with this or that political necessity of a Congressman?

Again, it is objected that the proposed system establishes an office-holding class. The simple answer is, that we have an office-holding class now — one far larger and far more vexatious. Who in his village or town does not know this class? It is larger than the number of actual office-holders, because it includes not only them but also the seekers and the sloughed-off; it is more vexatious, because so large a part of it is persistently employed in substituting private interests for public issues.

But fears are expressed of routine. There is far more danger now. Every system must have continuity, and the present system obeys this rule; but how does it secure this continuity? Into the larger offices, with every turn of the official wheel, there come new men as nominal managers; but as a rule, one or two old employés are retained as the real managers. Few large public offices have not some such person, whose term is substantially for life. He has become a fixture and a necessity. He has little, if any, hope of advancement: and he has become narrow. He has few, if any, equals in experience about him, and he has become opinionated. He has long been accustomed to see inferior men promoted over his head: and he has become cynical. The main work may be done by others; but the ideas on which the office is conducted are largely his. The traditions of the office pass through his mind, are colored by it: hence a routine of the most hopeless sort. Under the system proposed, there could be no such monopoly of experience by one or two. Every employé would have some experience; every one would be stirred by the hope of promotion; every one would have his horizon changed and broadened, from time to time, by advancement to a new sphere; and there is every reason to expect that the mixture of conservatism given by experience and of radicalism given by change of view would result in the very opposite of the routine spirit — giving readiness to discard outworn methods and quickness to discern better.

But it is said that the existing system continually pours fresh life into the service; that the proposed system would not. To

this it may be answered, that the sort of life which the present system pours into the public service is, in too many cases, not "fresh" at all. It has too often an exceedingly stale flavor,—a musty odor of failure and of what is known in the expressive vernacular as "dead-beatism," if not a more sickening odor still.

The very thing which the reformers seek is to "pour fresh life into the service." They would send into the roots of it every year young, fresh, hopeful life. They would carry this life upward into every branch of the service, keeping it fresh by contact with new duties, responsibilities, and ambitions.

Still another of this series of objections is the argument that the proposed system will give a monopoly of the offices to students from our colleges. Even if this were so, there would be no great hardship. Such facilities are now given for college education as our fathers never dreamed of. The recent report of the Bureau of Education shows that there are nearly four hundred colleges and universities in our country. They meet the demands of every sort of talent—scientific, industrial, literary, philosophical, artistic. The general Government has endowed them with millions of acres; the State governments have appropriated large sums; the religious denominations have been giving to them for years; the sums given by public-spirited individuals excite the wonder of mankind. Nearly all these institutions make some provision for the free education of needy and meritorious students, and some are entirely free. Many have large loan funds and beneficiary funds. More than this, there are no persons to whom even over-thrifty men are more likely to make loans than to really worthy young men who are seeking an education. Calamities excepted, there is absolutely nothing to hinder any really active-minded, energetic young man in the United States from securing a thorough collegiate education. Any youth in this country worthy to serve the nation in a public office should have more than self-sacrifice enough and energy enough to secure a college course with the opportunities at present offered, even though he be penniless. But, unfortunately, the objection has no foundation in fact. Both English and American experience show that the greater proportion of the successful men in the competitions do not come from the colleges. Out of sixty-one persons admitted to the Treasury Department under the civil service rules, up to January 1, 1873, only thirteen had received a college education; in the Post-office Department, out of thirty-seven, only sixteen

had received either an academic or collegiate education; and the English reports show the same thing in a not less striking manner.*

Again, it is objected that the examination affords a test of ability only, not of integrity. How is it with the present system? Can any one claim that it affords any greater guarantee? The only guarantee at present is that, if anything contrary to integrity is discovered, the employé will be discharged; and exactly the same guarantee is afforded under the proposed system. But there is this great difference in favor of the latter, that, whereas in the present system the influence which secured the man's appointment tends to protect him as long as there is no irresistible scandal, there is no such protecting influence under the system proposed. Moreover, it would appear that the chances are in favor of the system proposed, which asks no warping of political conscience, no dirty work, rather than in favor of a system which certainly, in great numbers of cases, does make these demoralizing influences a condition of appointment, and so taints the service at the outset.

Again, it is objected that the proposed system would lead to political indifference; that it is important to have the public in every way possible interested in political questions, and that a body of seekers after office is very effective in doing the routine work necessary to arouse voters to their duties, to secure for them the proper instruction by public speakers, and to get them to the polls. There seems some force in this; and yet it is a question well worthy of consideration whether, by the methods now in vogue, more men are not driven from taking part in politics than are attracted to them. Do we not know that great numbers of persons, when asked to go to a caucus, or even to the polls, simply answer: "What is the use? While I have been attending to my business, professional-politician A. has used the Government officials in securing a majority; or office-holder B. has been using the party-machinery to carry through his measures. Men and measures have been 'fixed,' and neither vote nor voice of mine can affect the result." Is it not true that the caucus, and to a considerable extent the convention, is looked upon by a majority of voters as the field for professional politicians and office-holders, rather than for citizens at large; and is it not likely that a natural indifference to men and measures thus brought

* See Eaton, "Civil Service in Great Britain."

before the people is a main factor in the difficulty of "getting out the vote"?

But finally, granted that there are evils in the new system, the question is whether they are not outweighed by the evils of the old. We must strike a balance between evils; and the question is, even though the reform be a pure experiment, whether it is not best to try it. One thing strips it of all danger: the old system can be re-instated with ease if an experience of the new disappoints us.

To those who distress themselves with fears that the proposed officials will be insolent or inefficient, there is nothing better than Senator Hoar's dry reply: "If it should prove true on experiment that such is the character of the service, he little understands the temper of the American people who fears that its tenure would be a long one." *

The practical question now comes: What is the way out of the spoils system?

First, as to a rallying point. There is no other than the Pendleton bill. It is strictly in line with the whole movement, from Mr. Jenckes's first efforts to the latest successes in the metropolitan post-office and custom-house. It comes with the prestige of success at home and abroad. Grouped about it stand strong men of both parties.

Next, as to the forces. The people seem to be thinking effectively. The circumstances of the death of the late President have stirred men's minds deeply in all parts of the country. The influence of the feeling thus excited is undoubtedly acting at the national capital. The utterances of various members of Congress seem to show that they regard the present system as having reached a point where it must break of its own weight. The reviews and magazines are going vigorously into the question; the great majority of their articles advocate the proposed reform, and those which do not are apologetic and half-hearted. Newspapers which were formerly lukewarm are now recognizing, on the one hand, the necessity of a change, and on the other, the pressure of public opinion. And it is a very significant sign, that the principle of the Pendleton bill has become a favorite subject of discussion among the active-minded young men of the country, from the evening meetings in the country school-house to the debating-clubs in the universities. As to the President, his message is indeed cautious, as it ought to be; points out cer-

* The North American Review for November, 1881.

tain difficulties and the need of care, but it recognizes clearly the need of reform, and declares explicitly that no opinions of his own shall stand in the way of the most energetic reform measures adopted by Congress. It is to be hoped that he and his advisers and friends will recognize the fact that the time has come for reform; that, inevitably, if they do not lead in it, their enemies will, and that their true policy is to take control of the movement, marshal its forces, and let it carry their party and themselves to a new career of victory.

Next, as to the best way of giving constancy, vigor, and strength to the movement. Just here an excellent phrasing of an old truth is especially to be remembered: "No system will ever give a self-governing people a government better than they can appreciate." * The only way to get out and keep out of the old system is systematically to educate the great mass of the people up to the new. Precision must be given to wishes which are now vague, organization to efforts which are now scattered, concentration to movements which are now aimless. Central clubs should be established in the larger towns, and branches in the smaller. Discussions, speeches, sermons, all are needed. The struggle is evidently not to be tragic, like the antislavery agitation; yet the methods of that are the only methods of much use in this case. If a sense of the need of reform is to be confined to the *dilettanti*, to the club men of the large cities, the movement will fail. It must be planted deep in the hearts and minds of the people at large. Leagues should be formed. In every little town, the clergyman and the teacher are the natural centers of the movement: the clergyman because, as a rule, no one knows better than he the demoralization created by the present system,— the teacher because he knows that nothing can so strengthen education and improve his own position as the proposed reform. Individuals should ask their representative in Congress as to his views and intentions, insist on a clear answer, watch his speeches and votes; if he falters spur him, if he palters fight him. There is hardly a district in the entire North where a dozen good men, thoroughly in earnest and acting together, cannot drive out an old Congressman who trifles with this question, and bring in a young, vigorous one who will throw himself heartily into it. It is a reform in which not only argument but ridicule can be made to serve peculiarly well

* See Professor Sumner's article on "Politics in America since 1776," in THE NORTH AMERICAN REVIEW for January, 1876.

Without doubt, some political managers will attempt to put the people off with resolutions and platforms. Without doubt, there will be statesmen like Hosea Biglow's candidate, who was "for the Maine law, but ag'in' its enforcement." Short shrift should be given all these. It is not unlikely that some highly valued public servants must be sacrificed. There will be some whom many of us admire and even love, who will find it impossible to get away from their anchorage in the old system, who will make it a matter of pride to resist the gale, even if it swell into a storm. There will doubtless be statesmen who will make very keen arguments against this reform, as has been the case in the history of every reform. There will be some, experienced and shrewd, who will prove, to their own satisfaction at least, that the reform is unnecessary and even ridiculous, that we can carry it out with the means we have now, or that something else might, would, could, or should be done; and thus raise a cloud in which they can escape doing anything. The answer to such public servants must simply be: "If you cannot carry through this work, we must find men who can." There seems no need, at first at least, of forming a new party. The better way would seem for men in either party to watch its representatives, to strengthen the popular movement, and then to bring it to bear upon the legislative and executive departments.

Never was there a better chance for the younger generation of political men. If any such young politicians have in their district a hulking old politician,—one of the Bourbon sort, who in the last fifteen years has learned nothing and forgotten nothing,—let them hunt him; there is no finer sport, especially when the best hunter returns victorious, like a Sioux chief, clad in the hide and horns of his victim.

Never was there a greater necessity for the older generation of statesmen to be stirring. It is for them to consider whether they must not take control of the movement, and thus avoid being supplanted.

And for the great multitude of those who love their country, but whose ambition is not political, the effort should be to plant the germ ideas of the reform, as far as possible, in every town, in every hamlet, on every farm, and insure them life and growth by light of reason and warmth of discussion. Thus, and thus alone, can the spoils system be certainly and permanently ended.

ANDREW D. WHITE.

A REMEDY FOR RAILWAY ABUSES.

THE railway problem involves two questions: one economical, the other political.

The economical question is: How can discrimination in, and fluctuation of, freight rates be avoided? The political question is: How can these things be avoided without endangering the liberties of the people? The problem is solved when it is shown how discrimination and fluctuation may be destroyed without at the same time annihilating the spirit of the Constitution. Many solutions have been proposed, and it is the object of this article to examine these systematically. In order, however, to make the subject perfectly intelligible to the readers who are not familiar with railway terms, the examination must be prefaced by an explanation of the term "discrimination."

It is generally supposed that common carriers must treat all persons alike. But railways do not treat all persons alike. They give more advantageous terms to certain communities than to others; and to certain individuals, than to others.

These more advantageous terms are called "discriminations in favor" of such communities or individuals. They necessarily act to the detriment of the remaining communities and individuals.

Discriminations may be classified under three heads:

First. Discrimination in favor of one or more centers of commerce, to the detriment of another or other centers of commerce.

Second. Discrimination in favor of places where there is a competition between two or more railways, to the detriment of places where one of these competing lines has a monopoly.

Third. Discrimination in favor of one or more individuals of a certain locality, to the detriment of other individuals of that locality.

The following is an illustration of the first class: The great Eastern centers of commerce, Boston, New York, Philadelphia, and Baltimore, are connected with the great emporium of the West, Chicago, by four great trunk lines. In 1877, these trunk lines entered into a combination for the purpose of dividing the traffic between the above-named sea-board cities and Chicago in a fixed proportion, instead of continuing to compete for the whole of it. According to the terms of this combination, the people of New York City were compelled to pay from two to six cents per one hundred pounds in excess of the rates charged to the people of Philadelphia and Baltimore, while the people of Boston were to pay no more than those of New York. This arrangement was a discrimination in favor of the people of Boston and to the detriment of those of New York, since the distance from Chicago to Boston exceeds the distance from Chicago to New York by at least fifty miles. It was also, in all probability, a discrimination against New York in favor of Philadelphia and Baltimore; for, although the distance between New York and Chicago is somewhat greater, the gradient is so decidedly in favor of New York that, practically, neither Philadelphia nor Baltimore are as near to Chicago as is New York.

The following illustrates the second class: The distance from Milwaukee to New York *via* the New York Central railway is about one thousand and fifty miles. The distance from Rochester to New York *via* the same line is three hundred and seventy-one miles. A Rochester miller ought, therefore, to pay about one-third as much as a Milwaukee miller for transporting his flour to the New York market. The late railway investigation of this State revealed that the former was compelled to pay fifty per cent. more than the latter. The reason for this discrimination in favor of Milwaukee, to the detriment of Rochester, lies in the fact that Milwaukee is a point at which various lines terminating in New York City compete, while Rochester is a point tributary to the monopoly of the New York Central railway.

The third class is illustrated by the following example: A is a small dealer in an interior town of the State; he must pay forty, thirty, twenty-five, or twenty cents per one hundred pounds, according to the kind of goods carried for him. B is a large dealer at the same place; he pays only thirteen cents per one hundred pounds for all kinds of goods.

The evil effects of discrimination and fluctuation become apparent on the slightest reflection.

The first class of discrimination alters the natural course of commerce and tends to paralyze business by shaking its very foundations. The statistical abstract of 1880, p. 37, shows the immense gain of Philadelphia and Baltimore and Boston, in the matter of exports, over New York since 1874. In 1874 the value of exports from the first-named three cities amounted altogether to $88,947,643; in 1880 it amounted to $183,856,652. In 1874 the value of exports from New York amounted to $340,360,269; in 1880 it amounted to $388,441,664. From these figures it becomes evident that while the exports from the three ports have increased over one hundred and six per cent. in six years, the exports from New York have only increased fourteen per cent. The chief evil in this class of discriminations lies not as much in the hardship it imposes upon the losing city (great as this evil undoubtedly is), as in the fact that centers so populous, and of such vast economical and political importance, should be virtually at the mercy of a handful of men, who can to-day unsettle what was settled yesterday, and to-morrow again unsettle what was settled to-day. It increases enormously fluctuations in value, and thus promotes wild speculation, and depresses proportionately the sound producing and commercial potentialities of the whole country.

The second class of discriminations resembles the first in so far that it builds up one district of the country at the expense of others. Its effects are, however, far more striking, as it operates upon smaller centers, where capital is not so abundant, and is largely invested in factories. As soon as the New York Central carried flour from Milwaukee to New York at a lower rate than it carried it from Rochester to New York, it ruined the Rochester millers. Now, in one important aspect at least, this ruin of the millers of our State acts to the manifest detriment of the whole country. If the export trade is deflected from the city of New York to Philadelphia or Baltimore, there is no apparent loss to the country, as Philadelphia and Baltimore gain what New York loses. The capital invested in that trade is chiefly circulating, and can travel to Philadelphia or Baltimore. In the milling industry, however, capital is chiefly fixed; it is invested in buildings and machinery, and must remain there permanently. Now, the ruin of these mills means simply the destruction of as much capital as is invested in them, not only to the injury of the

millers but to that of the whole country. The economic evil following in the train of discrimination in favor of what, in railway parlance, is called "through" traffic, and against "local" traffic, is in this respect more serious than the one in favor of one sea-port over another; it not only changes the distribution of wealth according to the interests of railway corporations, it actually diminishes it.

Still more pernicious to the prosperity of the country is the working of the third class of discriminations. It aims at nothing less than the complete destruction of the middle classes. The railways carry for the rich shippers at special rates, far below their public tariff. By this means they uproot every vestige of fair competition, and thus drive the less wealthy from the field. These rates are, moreover, confidential and secret, and the transactions have very much the character of conspiracies. The arrangement between various railways and the Standard Oil Company furnishes a remarkable instance of this class. These railways (New York Central, Erie, Lake Shore, and Pennsylvania) found it to their advantage to divide the transportation of oil between themselves, instead of competing for it. They thought that their plan could much better be carried out if they had only one shipper to deal with, and so they determined to reduce the large number of oil shippers to one. For this purpose they made an agreement with a corporation known as the "South Improvement Company," the members of which afterward formed the Standard Oil Company. By this agreement the South Improvement Company was protected against loss and injury by competition, and the railways bound themselves to raise the rates of freight against all the competitors of the South Improvement Company sufficiently to overcome all competition with that company. The result was, of course, that the parties forming the Standard Oil Company acquired immense riches, at the cost of all other persons who had engaged in the oil trade.

Another instance of this class was the "Cattle Eveners' Pool." In order to avoid competition among themselves, the four great trunk lines leading to New York agreed upon dividing profits. For this purpose they made a contract with three persons, by which these persons received fifteen dollars for every car-load of cattle shipped from Chicago to New York, in consideration that they would hold themselves responsible for the proper division of the

traffic. The "Eveners," with such a margin in their favor, soon obtained a monopoly of the cattle business, and found no difficulty in suppressing any attempt at competition.

These two instances show how monopolies are created on a large scale at points where railways compete, by the combination of these railways. At non-competitive points, each railway is of itself sufficiently powerful to create them, and is continually creating them on a smaller scale. The smaller ones are, however, even more dangerous than the great ones. The great monopolies at least attract the public eye, and often arouse general indignation. But the small monopoly of the dry goods house, or grocer, in a country town, does not arouse public indignation, though it be no less a result of the ruin of many competitors.

To the evils of discrimination we may add those of fluctuations of rates. The insecurity of rates; their sudden changes in times of railway wars; their liability to daily changes in times of peace; the knowledge that they do not fluctuate equally with all, and that the secret fluctuations may be even more extreme than the public; all these things intensify so considerably the evils of discrimination, that at times they become well-nigh unbearable.

Under these circumstances, is it a wonder that the vague, despairing cry of anti-monopoly is heard everywhere on the face of the land? Would it be surprising if the dark streams of communism which flow in the nether soil were to be fed and swelled to formidable proportions? Let our conservative men see to it that the ills brought on by the present management of the great arteries of the country be cured—that the railway problem be correctly solved.

The solutions which have been proposed, and which seem to exhaust all possible solutions, are six in number:

(1) Free competition; (2) Competition under State control; (3) Competition under United States control; (4) Combination; (5) Monopoly; (6) National railways.

Our first question is: Can the railway problem be solved by the means of a continued application of the principles of free competition? My answer is, that if the principle of competition could ever obtain as full an application in the matter of railway transportation as it has obtained in the operations of commerce, it would undoubtedly in the end work out a cure of the grave ills to which this method of transportation has given rise. But

can this principle ever receive so full an application in railway transportation? It can only do so if the three following conditions are satisfied. *First.* There must be at least two independent railway lines, running parallel to each other, between all places connected by rail. *Second.* These independent lines must be prevented from amalgamating and from making open or secret combinations. *Third.* Laws must be enacted fixing the *minimum* of the tariff, and these laws must be capable of preventing all secret arrangements with shippers, so that they cannot be evaded by rebates and drawbacks and other devices.

Unless the first condition is satisfied, there never can be any true competition whatever. The maintenance of two parallel lines between all stations of the country would, however, occasion such an enormous sacrifice of capital that it must be absolutely condemned, even if it would ultimately prove both a cure and a preventive of the wrongs which the railways have produced. Unless the second condition is satisfied, this enormous sacrifice will not only not attain its object, but will, on the contrary, considerably aggravate our present evils. These parallel lines would, in every instance, amalgamate or combine, and new parallel lines would have to be built *ad infinitum*, in order to keep competition active. Unless the third condition is satisfied, no laws of whatever nature or potency could prevent that in every instance one of the competing lines would cut its rates, until the others would be driven into bankruptcy. It is also necessary for the protection of solvent lines against the competition of the insolvent ones; otherwise these insolvent lines, freed from the obligation of paying dividends and interests on their bonds, would be able in every instance, to ruin the solvent ones—and so finally competition would prove to be the synonym of confiscation.

And now, as not a single one of these conditions can ever be satisfied, and as it is evident that unless all three of them are, there never can be any competition in the true sense of the word among railway companies, it follows that the word competition, used in connection with railways, is a misnomer. And this false use of a popular word has become dangerous and ought to be abandoned.

Let us see, next, whether competition in the sense used, when applied to railway transportation, and which now regulates it, can ever cure the wrongs from which we are suffering.

But the nature of this pseudo competition must be first examined.

True competition presupposes an open market into which all sellers and buyers freely come. Each seller is free to seek the custom of every buyer, and each buyer is free to seek the wares of every seller. And this freedom is of the very essence of competition. Let us suppose it to be absent. Let us suppose that in a certain district there live four merchants, and that all the buyers of the district are compelled to buy their goods of these merchants. Let us suppose further that the buyers are divided into five classes, and that four of these classes are parceled out among the four merchants in such a manner that the first class can only buy of merchant A, the second class of merchant B, the third class of merchant C, and the fourth class of merchant D; the fifth class, however, remains free to buy wherever it pleases. Would not any one, who might characterize such a dismal state of affairs as free competition, lay himself open to the charge of being either a knave or a fool?

Now, what course will business take in such a district? The four sellers, each secure in the possession of the custom of one class of buyers, will compete *à l'outrance* for the custom of the fifth class. This competition will be carried on without the slightest regard to the cost price of the wares — the great regulating factor of competition under ordinary circumstances. But each merchant will sell at any price obtainable, expecting to make up all his losses by increasing his charges on the class parceled out to him. The only restriction which will save this class from absolute confiscation is the conviction of the merchants that it would not be profitable to drain it completely. The maxim by which this class would be treated would be expressed in the aphorism, "Tax it as much as it will bear." In other words, these merchants would discriminate against the class over which they exercise the power of monopoly in favor of the class for which they compete. They would rob Peter so as to be able to sell cheaply to Paul. Such a system of competition would not only belie the name, but the manifest evils which it would originate would soon make it intolerable. And yet this is a fair picture of what is called railway competition, and which most people suppose is a perfectly proper system, or at all events the best one on which the great business of transportation can be conducted.

The four merchants are the four great trunk lines. The district embraces a large number of States and millions of people. The first four classes are the communities tributary to a single one of these lines, and the fifth class embraces a few great cities to which all the four great lines extend, and for whose traffic they compete. At the four competing points, competition is carried on in defiance of all laws of economy. At the numerous monopolized stations, the loss necessarily entailed by this competition is made up, regardless of all dictates of right. And this so-called system of competition is thus in reality a hybrid system combining the worst forms of competition with the worst forms of monopoly.

Now let us ask whether the pseudo-competition just described, if permitted to develop, can be relied upon eventually to solve the railway problem.

We have seen that the fundamental evils of our system of railway management consist in two things, namely, discrimination and fluctuation. The question, therefore, resolves itself into this: Will the principle of pseudo-competition or competition-monopoly ever be able to cure these evils? The answer will be easy when we remember that this system is the very root and cause of discrimination and fluctuation. The competition, for instance, of the four trunk lines running between the four great sea-ports and Chicago, at those ports and that city, brings about periodical railway wars; these wars cause the wildest fluctuations of rates. That these fluctuations are, however, attributable only to the monopoly enjoyed by the competitive lines at other points, becomes evident when we take into consideration that if it were not for this monopoly the four trunk lines could not carry for these communities below the cost price of transportation, and that in consequence the competition-monopoly principle is responsible for fluctuations in rates.

All railway wars are continued until the stronger can force the weaker into a truce profitable to the former. These truces or combinations are to put a temporary stop to competition, and are based on the principle of dividing the traffic instead of fighting for it. They can, however, not be brought about unless the more favorably situated roads allow themselves to be handicapped. Thus, for example, as the roads forming the most direct communications between Chicago and New York would take too large a proportion of the traffic, on account of the advan-

tages of New York, the rates from Chicago to New York must be raised above those to Baltimore and Philadelphia, or no truce will be possible.

It appears, therefore, that under the competition-monopoly principle of conducting railways, the competition at the competitive point invariably brings on railway wars, and that these wars can only be temporarily stopped by means of combinations, discriminating against the most favorably located city. Thus the cause of the first class of discriminations is this very principle. It would be absurd, indeed, to expect its cure from this quarter.

The competition at the competing points, carried on as it is regardless of the question of cost of transportation, is only maintainable by the absolute power of the railways in the monopolized districts. Our present competition-monopoly system is, therefore, likewise the direct cause of the second class of discrimination, namely, that in favor of through, and against local, traffic. Being its cause, it can never become its cure.

The competition at competing points requires for its success an artificial stimulus to certain business people at the monopolized points, so as to obtain powerful allies in times of railway war. For this reason, certain businesses must be fostered at the expense of others, and certain people enriched at the expense of others. And as certain combinations can only be carried out by having a monopoly instead of a number of competing individuals to deal with, they will bring about occasionally an accessory combination of railways at competing points also for the purpose of creating such a monopoly. Witness the Anthracite Coal Combination, the Standard Oil Company, and the Cattle Eveners' Pool. This class of discriminations, being also directly attributable to the system of competition-monopoly, I fail to see how any development of this system will ever cure it.

In fact, as long as railways are managed on this irrational principle, they will be perfectly justifiable in continuing to perpetrate these evils. Their arguments in palliation of their methods of action are, indeed, when considered in the light of this principle, simply unanswerable. The principle is responsible, and not the corporations. How can one line regulate its tariff at a competing point according to the cost of transportation? Would it not immediately be underbid by the others, and completely driven off the field? But if it must take traffic at the competing point regardless of cost, must it not be permitted to

offset its losses by taking the traffic at the monopolized point sufficiently high to overcome this necessary loss? If it is not, will it not be ruined? And what will then become of competition? The economic law which compels railways to discriminate against local traffic is inexorable. We cannot have competition without this species of discrimination.

But wars cannot be continued forever, or not only the railways, but also the general business of the country, will be ruined. Consequently truces will be necessary and welcome. But truces mean discrimination against the localities favored by nature. This law is also inexorable. How can the railways avoid it? This species of discrimination is certainly not in the interest of the road submitting to it. It loses as much as the city it feeds. Then do not let us be so inconsistent as to accuse the roads; let us rather accuse the principle.

Even their discriminations in favor of individuals can be excused. People who are at any time liable to be dragged into expensive wars must be allowed means of defending themselves. Railways require allies, and those individuals become powerful ones. The principle, again, is responsible. Let us then not commit the folly of expecting that the seed of a disease, if only allowed to act unchecked, will eventually cure it. It is not insignificant that the principle has been abandoned in every country of the world excepting the United States.

The second solution which has been proposed is competition-monopoly tempered by State control. This control, in order to accomplish anything of practical value, must consist in regulating the *maximum* of the tariff. It will have the questionable advantage of protecting the citizens of the State against discrimination beyond this *maximum*—a slight protection only against discrimination, as the *maximum* rate will still be far above the rate obtainable at competing points. It will have the unquestionable disadvantage of ruining the railways within the State, and consequently of eventually ruining the citizens, who were beginning to imagine themselves protected. These are saved from the frying-pan by being mercifully thrust into the fire. The authority of the State is limited to its boundaries. The roads which feed the States extend beyond them to competing points. At the competing points, competition is not limited by the question of cost. The roads must make the best rates they are able to make. These will be far below the cost of transportation. The railway

which has a *maximum* fixed for it cannot offset its loss at the monopolized points, and ruin is the consequence The State now perceives the folly of its course, and repeals the *maximum* rates with greater celerity than it fixed them. This is the vicious circle in which State control of rates must move. It permits no solution of our problem.

The third solution, which would place the control of rates in the power of Congress, would probably require an amendment of the Constitution empowering Congress to legislate on transportation within a State. Even if it were adopted, no law could ever be framed under it which would bring us a step nearer to the solution we seek. How could a *maximum* rate be established which would operate fairly for all the roads of the country? And if it could, of what avail would it be unless there was a second law establishing a *minimum*, which could not be evaded? All the evils under which we are now suffering would continue unabated, and no one knows how many new ones would be added.

The fourth proposed solution, combination, must be considered either as the combination of all the railways of the country under several independent organizations, or as the combination of all the railways in a single organization. Both these species necessarily bring about discriminations against certain cities, favorably situated, in order to produce a factitious advantage for the less favorably situated. Neither can, therefore, cure the evil of the first class of discriminations. Both these species will leave the two other classes of discriminations in the present condition, as each of the combining railways will retain the absolute control over the districts tributary to it, and will continue to tax those districts to the extent which they will bear. The necessity of so acting will be forced on each of them, for the reason that combinations are known by experience to mean only truce, and not peace; and no railway will dare to give up a single advantage in the monopolized districts, for fear that by so doing it may court ruin in the next war. The evils of fluctuation will be temporarily checked, but only to acquire increased violence at the break. Nor would it improve matters much if these breaks were to be prohibited by law; for such laws could be evaded, or public opinion might force their repeal. They could never convert the armed truce into peace. Certainly, combination is not the solution of the problem.

We have seen thus that all the various forms of pseudo-competition fail absolutely to furnish a method according to which railways can be managed. We have seen, too, that the failure is not accidental, something which may be remedied by experience so as to disappear in time, but that this failure is of the very essence of the competition principle. We have seen that to it alone all the economic ills incident to transportation with which we are plagued are attributable; that it is the root and poisonous principle of the disease, and must be eradicated. Let us, therefore, impartially examine the fifth solution, and inquire whether monopoly is or is not the proper method to be applied in the management of railway transportation.

It must be admitted that there is no inherent reason which will prevent monopoly from curing the economic evils of discrimination and fluctuation. The cost of transportation on the various branches could be calculated, and the tariff fixed accordingly. The wielder of the vast power might find it to his interest to satisfy popular demands, and might be actuated by the policy of treating all persons fairly. Large cities, small cities, through traffic, local traffic, rich and poor, would all be alike before him, and he might, if he chose, treat them alike. Indeed, why should he take from one to give to another, when all are equally within his control? There would also be an immense saving in running expenses, so that the rates would be considerably reduced, and the industries of the country proportionately advanced. And it is because the economic laws have utterly condemned competition between railways, that all things are now shaping themselves so as to actually accomplish a monopoly; for this solution, whatever its disadvantages, is not condemned by logic as an absurdity.

And so, if the handful of men who control the vast system of transportation in a country containing fifty million of people, should to-day come together with the intention of establishing a monopoly, it would be established to-day—all the vague and vehement opposition, however wide-spread, notwithstanding. And, after its accomplishment, the people would gladly acquiesce, for they are tired of war and discrimination and fluctuation.

And yet, the establishment of such a monopoly, however advantageous it might be for a time, would in the end not fail to undermine the constitution and entire political system of the country. More than that, the monopolist would become, in fact, the empe-

ror of the United States. He would own president, legislature, and courts, and could bequeath his monarchy, as private property, to his eldest son. In the not distant future the ills from which monopoly delivered us might seem little compared to those it brought on. Monopoly, therefore, though a satisfactory solution of the economic difficulty of our problem, ought to be, for political reasons, incontinently rejected.

But have we the power to do so? Is it not already too late? This is a practical question, which cannot be answered excepting by an actual trial of strength. At all events, it is certain that in order to have any chance of success whatever, something must be opposed to the monopoly principle which shall offer to the people all its economic advantages without its political dangers. Unless this can be done, the contest is decided in advance.

Is there such a thing? I answer, there is. The seventh proposed solution of the railway problem, placing the entire matter of railway transportation on the highways in the hands of the people of the United States, can cure all economic ills as well as monopoly can do it, for it has all the advantages of the latter, and will bring on none of the political evils incident to monopoly, for it has none of its disadvantages. In this sign alone can monopoly be conquered.

And here again let me caution against the misuse of a word; for, popularly, the management of a railway by the State is also known by the name of monopoly. The slightest reflection, however, will show that the ownership and management of a thing by a nation for the benefit of the whole nation, is the very contrary of monopoly, which means the ownership and management of a thing by one person for the benefit of one person. If the coining of a new word is ever to be allowed, it ought to be in this case.

Such an ownership has all the advantages of monopoly, inasmuch as it would be as little under the necessity of discriminating or of making frequent and sudden changes in rates as the latter. It would, moreover, be more certain to cure the economic evils from which we are now suffering, for the reason that while the monopolist might or might not consider it to his private interest to cure them, and would always rank his private interest first, the nation has no private interest to consult; and while the monopolist would be responsible to no one, and introduce the needed reforms according to his pleasure, the national railways

would be managed by the responsible agents of the United States, and amenable directly to its supervision. And we must consider that even were it possible theoretically to frame laws controlling the monopoly and making it responsible to the people, practically such laws would either not be framed or not be enforced, owing to the tremendous power the monopolist would wield, while the fixing of just rates for national railways would be a simple matter. A formula containing all the elements which enter into the cost of transportation could be determined by law, and then the rates be fixed strictly according to this formula.

The disadvantages which will probably be popularly objected to national railways are: *First*, That they would tend to centralization. *Second*, The evils of paternal government. *Third*, That our civil service is too corrupt to be trusted with the management of such a vast interest.

To the first objection I reply that railway management of a country requires a certain degree of centralization. The whole system of railways is in reality but a single machine, and we are suffering from the confusion, demoralization, and oppression caused by the fact that it is run by numerous engineers according to private and contradictory plans. Excessive centralization can be easily avoided, as, for instance, it is in the present Prussian state railway system. Moreover, we must remember that centralization is forced on us by the nature of things, and we only have the choice between intrusting it to our own agent, the Government, responsible directly to us and acting for us, or intrusting it to a private individual, with interests different from and colliding with ours, and responsible to no one.

The second objection arises out of confusion in the use of the word government. Government may mean the private right of a dynasty, with private interests distinct from, and, perhaps, opposed to, those of the public. Such was the government of the feudal princes in the Middle Ages, the masters of the governed. Or it may mean the exercise of a trust, for public purposes alone, and by servants of the governed, which is the system of the United States. In the first case, the general welfare is often only a misnomer for the private welfare of the dynasty, and the promotion of the former often only a mask to accomplish the promotion of the latter. In the second case, there is no private welfare of a dynasty to be cared for, under any mask, and all

measures for the promotion of the public welfare are taken with the consent of the public, under its eyes, and by its servants.

On the other hand, if we permit the railways to come within the control of a private individual, then we will raise up a private dynasty which will govern us paternally for its own interest and pleasure. Already now the railway magnates openly declare that it is their desire to foster and protect commerce, and the merchants of the country humbly petition them as they would the sovereign. What spectacles would we not behold after the establishment of the monopoly? We would see a nation on its knees before a more absolute potentate than ever ruled.

Let us never forget that (if we must forsooth call a government paternal, because it does its bounden duty of controlling the nation's highways) it is infinitely better to have a paternal government of all, by the agents of all, for the interests of all, than that all should be paternally governed by one for the interests of one.

With regard to the third objection, I would answer that the chief danger to a free country is not the corruption of the civil service, but that of the legislature. The principles which regulate the civil service are responsibility and subordination; the principles which regulate the legislature are irresponsibility and independence. The former is under the complete control of the latter; the latter is under no control whatever. A corrupt civil service cannot exist where the legislature is pure; while a corrupt legislature necessarily taints the civil service. And as it is less dangerous, so also it is more difficult to corrupt the civil service than to corrupt the legislature. The civil servant, if bribed, is bribed to commit a violation of the law, which is a crime; the legislator, if bribed, is bribed to vote, and to vote is his duty. But if legislators are not steeled against the corrupting influences of railways, even under our present system, how can we expect them to become so against the constant baits of a stupendous monopoly controlling the wealth of the whole country? On the other hand, with the railroads out of private hands, there is every reason to believe that the atmosphere in our legislative halls will become purified; and a purer legislature would find less difficulty in establishing for us a purer civil service.

ISAAC L. RICE.

REPUDIATION IN VIRGINIA.

THE Republican party authorized the issue of Treasury notes, and founded the national banking system. Besides providing a currency for the country, the purpose was to interest the people in the maintenance of public credit, and cause them to understand that their own interests were inextricably interwoven with the faith and honesty of the Government. The leaders of the people professed no apprehension on these points as to the feelings of their own party or of the Northern people. But they were in a state of chronic panic about the Democrats and the South—more especially because the Southern States had debts about which there was more or less controversy. They said that the insurrectionary States, as they called them, would be glad to repudiate the public debt of the United States, if they could. According to them, these States were full of rebels and Democrats, who longed for nothing so much as an opportunity to lay impious hands on the sacred fabric of public credit, which was to be guarded, if necessary, at the expense of another war.

And, to take a bond of fate, they passed the Fourteenth Amendment, and compelled the Southern States to adopt it before admitting them to representation in Congress—thus, in their opinion, handcuffing the Southern people, as it were, so as to render them helpless.

But all this was useless and superfluous. Every man who will give the matter a little thought will see that it is cheaper to pay the debt than to repudiate it, and therefore, if from no better motive than that, repudiation will not be attempted.

But somebody may ask, is not the Republican party the same honest, faithful, and courageous guardian of public faith and credit that it once was? Is it possible that it has lapsed from grace, let itself be corrupted, changed sides with the Democracy,

and is now battling for the destruction of what it took so much trouble to build strongly, as well in the hearts of the people as by statute law and constitutional amendment? It is not credible, the inquirer will say, that they have done this, but if they have, when, where, why, and how have they done it? It is but too true —they have done it, as is easily demonstrated.

The Republican party continued to pose before the world as the faithful and zealous guardian of public credit, till the extra session of the United States Senate commencing in March last. Then the scene shifted. A Re-adjuster appeared upon the boards. It was necessary to secure him or let him secure them, or form a coalition with him, to give them control of the Senate. Not only that—there was an election to come on in Virginia for State officers, and the legislature would have to elect a United States Senator.

Virginia was divided into three parties—the Democrats, the Re-adjusters, and the Republicans. The Democrats numbered more than either of the others, but whether more than both combined was doubtful. If a coalition could be cemented between the Republicans and Re-adjusters, they might beat the Democrats and give the control of the State to the Republicans. Away then went the clamor about the sanctity of public credit.

But the inquirer may again ask: Is it true that the Re-adjusters, as they are called, are repudiators? Do they really mean to repudiate the debt of Virginia, or any considerable part of it?

They are—they do. And to show this, let me give a history of the debt of Virginia, and then lay bare the purposes of the Re-adjusters, as developed, not in their declarations only, but by their public acts, notably the Riddleberger Bill, as it is called.

Virginia has made no debt since the war. The whole of her debt was contracted before 1861, for railroads, canals, turnpikes, public buildings, charitable institutions, etc. She has the property now for which the debt was incurred, and it is worth much more, not only for public use and the facilities for business, but in actual cash, than the amount of bonds.

On January 1st, 1861, the State owed $33,248,141.63. On January 1st, 1870, it owed $45,660,348—interest having accumulated during the war and the interregnum that occurred pending the reconstruction measures.

The constitutions of Virginia and West Virginia both provided for a settlement of the question of their respective liabil-

ities, and an equitable apportionment of the original debt to each.

But no such settlement was ever made, though attempted more than once, and the legislature of Virginia—the one first elected under the new constitution—was called upon to confront the question and solve the problem in the best practicable mode. The task of adjusting taxation and raising revenue was not an easy one. Civil government had been suspended. The property of the people—that which had formerly furnished revenue—was gone. How to tax what remained, and how much would accrue from any tax bill that could be passed, it was impossible to say. It was not the mere continuation of an old, regular, systematic government, with all its machinery in regular order, but it was beginning *de novo*, under exceptional and extraordinary circumstances. The result was the passage of the Funding Bill of 1871, which set aside one-third of the debt to West Virginia for the reason that she contained about one-third both of the population and territory of the old State. For the two-thirds considered Virginia's share, new bonds payable in thirty-four years with six per cent. interest were to be issued, and for the one-third assessed as the part of West Virginia, certificates were to be issued, setting forth that "payment of the amount, with interest thereon at the rate prescribed in the bond surrendered, will be provided for in accordance with such settlement as shall hereafter be made between the States of Virginia and West Virginia," and that "the State of Virginia holds said bonds, so far as unfunded, in trust for the holder or his assignees," etc.

This law was not compulsory. It tendered a settlement to the creditors, and left them to accept or reject it as they pleased. They accepted it with eagerness and brought in their bonds, which were exchanged as fast as it could be done, and until about two-thirds of the whole debt was funded.

But before the whole debt could be funded, an election for members of the legislature came on, and the Re-adjusters then made their appearance—not as a separate organization, but still adhering to one or the other of the old parties. They obtained a majority, and proceeded to arrest the future funding, thus leaving about two-thirds of the debt in the new bonds and certificates, and the other third standing in the old bonds. This last is known as the Peeler debt, and will be so described for convenience when referred to hereafter.

The coupons on the funded part of the debt were receivable for taxes and all dues and demands against the State, and so they collected themselves. But the interest on the Peeler debt has only been paid in part.

The attempt was made, in various ways, to raise revenue enough to pay it, notably by what was called "The Moffet Punch Bill." But that disappointed expectation, and the sum received from it fell far short of the estimates. Then the panic of 1873 had the same effect in Virginia as elsewhere; diminished revenues, prostrated business, destroyed sources of taxation, and still kept the State in arrears.

In 1879, what was called the McCulloch Bill was passed, and became a law. This was substantially proposed by the creditors, and was in fact a new contract between them and the State. It provided for the exchange of the bonds then outstanding for new bonds bearing three per cent. for ten years, four per cent. for twenty years, and five per cent. for ten years, making an average of four per cent. The coupons were to be receivable for taxes and all demands due the State. The debt at this time was $29,367,958.06 of principal, as shown by the Acts of Assembly, 1878–9, p. 907.

After the whole had been exchanged, the interest for the first ten years would have been less than a million of dollars a year, and could have all been paid in full with the revenues then accruing, which were sufficient in addition to pay all the expenses of the schools, and of the government in all its branches, and leave a considerable surplus to be applied annually to the purchase and cancellation of bonds.

This bill satisfied the creditors, and it would seem that it ought to have satisfied everybody. It was earnestly hoped that it would end agitation, and forever settle the debt question in Virginia. But even before it passed, the Re-adjusters held a convention and organized as a separate party, and declared undying hostility to it. They announced their purpose to prevent its execution, and to agitate until it was rendered nugatory. But notwithstanding these threats, so acceptable was the measure that more than eight millions of bonds were issued under it, and a corresponding amount of six per cent. bonds — one-third of which were Peelers — was taken in and canceled, by which an annual saving of about $240,000 was effected.

An election took place in November, 1879, and the Re-adjusters obtained a majority in both branches of the legislature. This, of course, stopped the further exchange of bonds, and a measure so just, so acceptable, and so generous on the part of the creditors, and so beneficial to the people, was made void.

When the Re-adjuster legislature met in December, 1879, or rather on September 30th, the end of the fiscal year, the principal of the public debt was $29,607,309.76, having been increased a little by the funding of arrears of interest, but the annual interest charge was diminished about $240,000. And for the year commencing October 1st, 1878, and ending September 30th, 1879, the Democrats had provided by legislation so that the sum of $1,413,440.98 had been paid on account of interest, and the government and schools supported. With the McCulloch Bill in full operation, this would have made the surplus revenue for that year more than $400,000, which, at the rate at which the three per cent. bonds were selling, would have bought and retired about $700,000 of them.

All this looked favorable and satisfactory to people who really wanted the debt paid and the question settled. But the Re-adjusters were obstinately bent on not allowing any consultation or arrangement with the creditors, and were determined to go ahead regardless of them, and compel them to take whatever measure they chose to pass. Thereupon they passed the "Riddleberger Bill," as it is called, which was forcible adjustment and outright repudiation. It made no pretense of obtaining the consent of the bond-holder, but openly scoffed the idea. This bill not only provided for a reduction of the debt, but introduced the novel practice of giving the reasons for it, and of entering into explanations and details. These are strong words, but they are easily verified.

The constitution of Virginia, which each member of the General Assembly takes an oath to support, and which he is bound to obey and execute, has this provision:

"ARTICLE X., SEC. 18.—A full account of the State indebtedness, and an accurate statement of receipts and expenditures of the public money, shall be attached to and published with its laws, passed at every regular session of the General Assembly."

To do this is a constitutional duty as imperative as any other. The General Assembly *must* publish with its laws a full account

of the State indebtedness. This clause was put into the constitution that the people of the State and the outside world might know, in an authentic and reliable form, on the faith of the legislative branch of the government, the true and actual amount and condition of the State debt. When the General Assembly executes this requirement, it is on honor and under oath. Its members are estopped from saying, and cannot be permitted to do so, either in the forum of law or conscience, that they have published a false statement—that they have represented the debt to be one sum when in fact it is another. The Re-adjuster General Assembly did comply with this clause of the constitution as former bodies had done, and did inform their constituents in solemn and legal form that the amount of the principal of the debt on September 30th, 1879,—the end of the fiscal year,—was $29,667,304.76, and published the statement with their laws. Not only that, but the Re-adjuster Second Auditor, who is the officer to regulate such matters, in his report for last year, put the debt in October, 1881, at $29,614,793.

But having made this solemn constitutional announcement, what did the same body of men proceed at once to do? They passed the Riddleberger Bill. And I will give so much of its main features as will enable my readers to understand it.

It fixed the principal of the debt at $19,665,196, and the interest at three per cent.—making the annual interest charge a little less than $600,000.

How and by what process of reasoning and figuring did they get the principal down to $19,665,196?

Recollect that one-third of the debt had already been set aside to be paid by West Virginia, and that the creditors—as far as they had acted—had agreed to this, and that the public debt was treated and considered by everybody as only the remaining two-thirds. But the Riddleberger Bill knocked off at a single blow more than one-third of that two-thirds. One mode of doing this was to declare in the preamble:

"Whereas, it is confidently believed that the people of this State will never acquiesce in any settlement which shall obligate them and their posterity to pay *any* part of the interest upon the public debt which accrued during the war and the period of reconstruction."

Why should interest accrued during the period of reconstruction not be paid? The reconstruction measures consisted of the

Thirteenth, Fourteenth, and Fifteenth amendments to the Constitution, and the legislative enactments by which the State of Virginia was admitted to representation in Congress.

The Thirteenth Amendment converted the colored man from a slave into a freeman, from a chattel into a citizen, from a subject of taxation into a tax-payer, from a dead weight into the lever that lifted the Re-adjusters into power.

Then can that justify the non-payment of interest? The Fourteenth Amendment announces, in the form almost of a dogma, the sanctity of public obligations. Surely that could never make a good excuse for repudiation.

The Fifteenth Amendment gave the colored man the right of suffrage: do you say, gentlemen Re-adjusters, that on this account no interest must be paid on a just debt?

The State of Virginia was paying taxes toward the support of the national Government, yet had no representation in Congress. The reconstruction laws gave her this representation. And now the Re-adjusters are heard declaring that this must prevent the fulfillment of the obligations of the State to her creditors! What think you of these shams, fair-minded Republicans of the North, and just men everywhere?

But, not content with this declaration, the bill makes a willfully false statement in regard to this interest. Any one reading it would suppose that the interest for the time referred to (the reconstruction period) had not been paid in whole, or even in part. But the fact is that for the years from 1861 to 1869, inclusive, the sum of $7,487,176.46 of interest had been paid. The bill ignores these payments altogether, and proceeds to deduct the whole interest for that time, as if none of it had been paid, and takes the entire sum from the principal. In plain words, this was a mere subterfuge—a false pretext for repudiating a portion of the principal of the debt, on a ground which, it was supposed, would commend itself to the sympathies of the people.

The preamble of the bill also recites, by way of justification, that the revenues of the State before the war were over four millions, whereas now they were only two and a half millions. But if this were so, it was, like the other excuses offered, without weight, because the interest on the debt before the war was about two millions, and it took half the entire revenue of the State to pay it; but if the McCulloch Bill had been allowed to go into operation the interest would have been under one million, and

less than two-fifths of the revenue would have paid it—in other words, the ratio of interest to revenue would have been less now than before the war.

The bill proceeded to divide the debt into classes, calling one Class A, and another Class B. Class A comprised the bonds the coupons of which were receivable for taxes, dues, and other demands of the State; more than half of them bearing six per cent., and the balance three, four, and five per cent., making an average of four per cent. Class A was cut down summarily and compulsorily forty-seven per cent. To illustrate: a man had a bond of the State for one thousand dollars, bearing six per cent. interest, and could pay his taxes, or anything else he owed the State, with the coupons. The Riddleberger Bill seizes that man by the throat, and says to him, "Give up that bond, and take in place of it a new bond for five hundred and thirty dollars, with three per cent. interest, and take it also with this understanding —that it is a fundamental principle of the Re-adjuster party that the General Assembly can't pledge the revenue in advance; when your interest falls due, we will pay it—provided we don't find some use to which we prefer to devote the money in the treasury."

The scope and purpose of the bill was, after the creditor had agreed to deduct one-third of his bond and look to Virginia for only two-thirds of it, to compel him to deduct forty-seven per cent. more, and one-half of the interest.

No amount of reasoning can reconcile the published statement of the State indebtedness made under the provisions of the constitution with the Riddleberger Bill—being the acts of the same men, they cannot both be right. And if the General Assembly says on its oath and honor that the debt is more than twenty-nine millions, and then proposes to pay only some nineteen millions, they may call it "re-adjustment," "elimination," or what they please, but the world will call it by its right name—repudiation.

The Governor vetoed the Riddleberger Bill and it did not become a law, but when the Re-adjusters held their convention in June last, to lay down their platform and nominate their ticket, they re-affirmed the bill and declared their purpose to pass it substantially if they carried the State.

They nominated former Democrats for the places of governor and attorney-general, and for lieutenant-governor Mr. John F.

Lewis, an ex-United States senator, and now the United States marshal of the western district of Virginia, who was a Union man during the war, has been a Republican ever since, and is now a Stalwart.

In the August following, the Democrats held their convention; declared for payment of the debt and the maintenance of the credit of the State; and nominated John W. Daniel, who, as a member of the State Senate, had always been one of the leading champions of that cause.

Still later the Republicans held their convention, the proceedings of which were watched with great interest. What would they do? Would they put up a ticket of their own, or indorse the Re-adjusters? The Democratic party being divided, it looked as though the Republicans might carry the State, with a good ticket and a strong and united effort. But the question was not long in being decided. The Re-adjuster ticket and platform were adopted, and a coalition was effected between the Re-adjusters and Republicans. The canvass was active—the debt and the Riddleberger Bill forming the chief issues. The Republican party lent its earnest aid to the Coalitionists in every form. Prominent Republicans wrote letters, the patronage of the general Government was used with powerful effect—the national committee took part, office-holders contributed, and Mr. Green B. Raum, the Commissioner of Internal Revenue, went into the State and made speeches, though in a published letter he had previously pronounced such conduct immoral. Even one of the United States Judges descended from the bench and contributed "to cement our coalition"—to use his own words.

The vote, in round numbers, was:

Coalition	112,000
Democratic	100,000

being a Democratic gain of about three thousand, and a Coalition loss of about four thousand, on the presidential vote of 1880.

The Coalition vote consisted of about eighty-five thousand Republicans—nearly all colored men—and about twenty-seven thousand Re-adjusters. And I speak entirely within limits when I say that the one hundred thousand Democrats owned three-fourths of the property and paid three-fourths of the taxes of the State. Of the colored people,—and I say this without mean-

ing to disparage them,—few pay any portion of the tax that goes to pay the State debt, and those few in small sums. And thus this extraordinary spectacle was presented: the people who would have had the debt to pay, and were striving to be allowed to do so, were prevented largely by the votes of non-tax-payers, many of whom do not now, and never have paid, and never will pay, any part of the debt, powerfully backed up by the Republican party and Federal patronage.

Was there any real excuse in the actual condition of the State of Virginia for this agitation of the debt question and proposed "elimination" of so much of it, and for the part the Republican party played? None whatever.

When the creditors agreed to look to Virginia for two-thirds of the debt, and to take West Virginia certificates for the other third, Virginia made an excellent bargain. For she held all the assets of the old State, the capital, the chief cities, the penitentiary, the asylums, the institutions of learning, nearly all the railroads, the navigable rivers, and the great harbor of Norfolk, the value of which, as a source of future wealth and development, cannot be estimated. Therefore she at least ought to have been satisfied, especially as the creditors were.

Then how does it stand in regard to ability to pay without onerous taxation?

The State of Virginia never had such prospects as she has now. In general development, in the growth of enterprise and industry, in the construction of railroads, in the opening of mines, in the increase of her cities and her population, in the amount of money coming to her from outside, she stands better than she ever did at any period of her past history.

Without any increase of taxation, the revenues would have been ample for the payment of all the interest on the debt under the McCulloch Bill, and for all other purposes, as the following statement will show:

The debt under the McCulloch Bill, including some arrears of interest to be funded, would have been about $33,000,000. General Mahone, at the time of the passage of that bill, put it at $32,977,090.02.

For the first ten years, the interest would have been three per cent. When, therefore, the whole was funded, the annual interest charge would have been $990,000. The expenses of the government for "regular purposes" for the year ending September 30th,

1881, were, according to the report of the First Auditor, who is a Re-adjuster, $761,650.13, and for Public Free Schools (including arrearages), $564,672.75. Then the total expenditures of the State would be as follows:

Support of the Government, say	$ 765,000
Public Schools and Arrearages	565,000
Interest on Public Debt	990,000
Total	$2,320,000

The same report shows that the net revenue for the same year was $2,606,425.36. Subtract the expenses—$2,320,000.00—and the balance in the Treasury would have been $286,425.36, which could have been applied to the purchase and redemption of bonds.

The sum which appears by this report to have been collected from railroads is only $44,463.21, but a subsequent report shows that hereafter the railroads will annually yield about $138,000, making nearly $100,000 to be added to the revenue.

In point of fact, during the past fiscal year, the same report shows that the actual outlay—including $1,002,703.78 for interest on the debt—was for all purposes $2,281,890.43, and the balance in the treasury at the end of the year was $330,417.79, which should have been applied to the payment of the public debt in some form, as there is no other use for it.

The McCulloch Bill was a Democratic measure, and was accepted by the creditors. It was defeated by the Re-adjuster party, on the alleged ground that the people could not pay the amount it fixed, yet they are paying now each year more interest than it required, and have a surplus in the treasury.

At the session of the General Assembly 1879–80, when the Re-adjusters had a majority in both houses, they failed to pass any appropriation bill, and, as the charitable institutions were thus left unprovided for, great trouble and embarrassment were likely to ensue. No other explanation of this failure can be given than the determination that no opportunity should be given to devote the surplus which it was quite certain would exist to paying either principal or interest of the public debt.

The coalition carried the State, and has produced a breed of bastard Republicans, the progeny of Federal patronage and

repudiation, who have deserted the Democratic party, and yet say they have not gone to the Republicans. The present effect has been to give the Republicans increased strength in both houses of Congress. What the ultimate result will be remains to be seen. That the stain of repudiation will stick to and burn the Republican party, as the shirt of Centaur Nessus did Hercules, I fully believe.

JOHN W. JOHNSTON.

THE LANCET AND THE LAW.

INOCULATION was introduced into England in 1721 by Lady Wortley Montague, from Turkey, where it had long been known, but there exists abundant proof that it was in vogue at a much earlier period in Wales and in the Highlands of Scotland. Inoculation is defined to be: "The insertion of a poison into the body of a person, by taking a small quantity of fluid from an eruption on the skin of one person and inserting it under that of another."

That hideous monstrosity, vaccination, was first introduced to the public on the 14th of May, 1796, by Dr. Edward Jenner, who originated it.

It does not come within the scope or purpose of the present article to dwell upon the terrible reflections suggested by the appearance of that scientific deformity on earth, nor to demonstrate the physical deterioration of the human family occasioned thereby.

In the period of less than one hundred years that has elapsed since the introduction of this practice, millions upon millions of sound and healthy human beings have been inoculated with the most loathsome pestilence, doomed to carry to the grave bodies wasted by consumption or marred and deformed by scrofula, cancer, and innumerable other ills. What is worse, they have transmitted these diseases to posterity.

Willingly would the writer dilate upon these broad and tragic aspects of the question, if thereby he could hope to alarm the reader into a realization of the direful consequences resulting from his own tacit sanction of the fatal system; but he prefers to let official statistics speak for themselves.

The following description of the process of vaccination is taken from Beeton's Dictionary of the Physical and Natural Sciences, p. 1634:

"An oblique puncture of the epidermis is made, and a portion of the virus of a sore is introduced. If the operation is successful, an inflamed spot is discernible on the third or fourth day, which increases in size, becomes hard and elevated on the sixth, when a small quantity of fluid is discovered, and finally about the eighth day the pustule is fully formed, and the constitutional effects begin to appear by headache, shivering, loss of appetite," etc.

It is then added that:

"From causes not well understood, vaccination does not in all cases afford immunity from disease."

Now, the purpose of the writer is not only to convince the reader of the truth of this admission, but to go farther, and to prove that vaccination never has afforded, and never can afford, immunity from small-pox; and that the unnatural practices of so-called scientific physicians have simply resulted in changing the ruby stream of life into a filthy current, in comparison with which the foulest ditch-water is pure.

It is worthy of notice in passing that small-pox, like scarlatina, belongs to that class of diseases which prevail with greatest intensity in the winter season. In tropical and subtropical regions, cases of small-pox are infrequent at low elevations; at high elevations—say from six to ten thousand feet—its ravages are greater.

Of urea, which Dr. Spinzig says is the cause of this disease, "there is found in the human system a higher percentage in winter than in summer; in males than in females; in children than in adults; in the aged the percentage is less than in either. It is a pathological fact that males are more liable to the attacks of small-pox than females."

The subjoined table, compiled by the Philadelphia Board of Health for the year 1872, is instructive:

Ages. Years.	*Number of Cases.*	*Ages. Years.*	*Number of Cases.*
0 to 1	157	35 to 40	21
1 " 5	226	40 " 45	5
5 " 10	65	45 " 50	5
10 " 15	14	50 " 55	3
15 " 20	20	55 " 60	5
20 " 25	28	60 " 65	4
25 " 30	20	65 " 90	0
30 " 35	15		

According to Dr. Spinzig, the eruptive character of small-pox is the outward manifestation of a process of decomposition of the blood, produced by a disproportionate quantity of urea. Hence, this disease is, in fact, the effect of the reaction of urea on the blood. Normal blood, as we learn from the exhaustive experiments made by Goze and Feltz, contains not more than from .01 to .02 per cent. of urea, while in variolous blood the percentage is .08 or more. The specific action of urea on the blood consists in a deoxidation of the corpuscles; hence small-pox is a phase of blood-poisoning.

Whenever vaccination is restricted to a mere local irritation—a fortunate circumstance for those who undergo the operation—its effects are cast off again, and the constitution is intact: no general impression is made, since no absorption takes place beyond the local gangrenous inflammation. On the other hand, when constitutional symptoms ensue, then there is imminent danger of tubercular deposits in the lungs, because of the morbid products which, so far from being eliminated through the cuticular sores, are circulating through the system. Have we not a confirmation of this statement in the fact that wherever vaccination is generally and rigidly enforced, there the death-rate from tuberculosis is highest, and that where vaccination is but enforced laxly, or not at all, the deaths from tuberculosis are least numerous?

It can easily be proved that epidemics of small-pox come and go like all other epidemics, and that neither in intensity nor in duration were they more formidable centuries ago than they have been since the use of vaccine virus was introduced into the medical art. The annals of Iceland show that hundreds of years before vaccination was heard of, that island was wont to enjoy intervals of exemption from the scourge—intervals of several decades in succession. If modern communities have similar intervals of exemption, it is a fallacy to credit their good fortune to the practice of vaccination.

But the advocates of this practice claim, at all events, that vaccination tends to reduce the virulence of the disease. Not even this pretension can be allowed. From official statistics collected in England, it plainly appears that vaccination has no mitigating influence on this malady: on the contrary, the mortality from small-pox has steadily increased, and, furthermore, a host of other physical ills, directly produced by the vaccine treatment, have been gratuitously added.

It is also of interest to compare the ratio of vaccinated to unvaccinated small-pox patients. Here the official German statistics, according to Becker, p. 260, for 1870 and 1872, will be found instructive. From these it appears that, of vaccinated patients between the ages of 1 and 15 years, the number of cases increased from 20 in 1870 to 400 in 1872; of patients aged from 15 to 25, the number of cases declined from 400 to 372; of those aged 25 to 35, a decline from 372 to 100; and of those aged 35 to 60, a decline from 100 to nothing.

Among the unvaccinated between the ages of 1 and 7, there is an increase from 230 to 250; 7 to 25 years, a decline from 250 to 210; 25 to 35 years, a decline from 210 to 60; 35 to 60 years, a decline from 60 to nothing.

In 1870 vaccination was enforced with unexampled strictness in Paris, and though the lymph employed was almost exclusively taken from heifers, nevertheless a very violent epidemic of small-pox raged during that winter. In four months, October, November, December, and January, 6,423 persons died of the malady; and in the fifteen months intervening between January 1, 1870, and March 31, 1871, the total number of deaths was 13,035.

In the city of Berlin, during the year 1871, there were 17,020 cases of small-pox, whereof 14,287 were of vaccinated persons and 2,733 of unvaccinated.

The writer is himself an example of the utter futility of vaccination. In his youth he passed successfully through the loathsome process. Nevertheless, some years afterward he presented one of the most clearly defined cases of varioloid. According to Mr. William Jebb, of London, in his statement presented to the American Anti-Vaccination League, 80 per cent. of the mortality from small-pox comes from vaccinated cases.

Thus, though it is proved by statistics that the loathsome practice is void even of a mitigating effect upon the progress of small-pox, nevertheless the dreadful work goes on of willfully implanting in the healthy bodies of human beings the germs of disease, from which are developed scrofula, consumption, cancer, and by which the very continuance of our race on the earth is imperiled. Doubtless in the estimation of that large portion of the public who are, through their intellectual sloth, the dupes of the medical profession, the writer's words will pass for the ravings of a lunatic, when he affirms that the human race is

gradually rotting away by reason of this deadly practice of vaccination. But so it is; and the process of decay is accelerated by the consumption of flesh that has been rendered unfit for human food, and actually poisonous, by the barbarous and unnatural treatment to which animals are subjected.

Jenner having passed away, after inflicting upon the human race one of the most grievous injuries the world has ever experienced, now comes one Monsieur Pasteur to do the like for the lower animals. Listen to him as he recounts his exploits:

"Fifty sheep," he writes, "were placed at my disposal, whereof twenty-five had been vaccinated and the remainder not. These fifty sheep were now inoculated with the most virulent anthrocoid. The twenty-five vaccinated animals withstood the infection; the twenty-five unvaccinated died of splenic fever within fifty hours. Since that time the accommodations of my laboratory have been inadequate to meet the demands of farmers for this vaccine matter. . . . In fifteen days we have vaccinated, in the departments around Paris, more than twenty thousand sheep and a great number of cattle,"—in other words, he has transmitted to these lower animals a disease from which nature never designed that they should suffer.

And this new phase of the inoculation and vaccination mania is exploited in the face of facts which should arouse the human race from their fatal slumber, if anything can do so.

In the year 1853, one of the most despotic laws ever enacted by any government issued from the British Parliament, requiring all the inhabitants of Britain to undergo the barbarous and disgusting operation of vaccinating—to suffer their blood to be contaminated by the festering virus of a diseased animal— or go to prison! This monstrous law, which in effect tears to tatters the Great Charter of Englishmen's liberties, has been imitated even in free America, in contravention of every citizen's inalienable right to "life, liberty, and the pursuit of happiness." A freeman may well be indignant when he reflects that he is at any moment liable to arrest, and to be constrained to submit to the indignity of vaccination, and to the introduction into his system of a foreign, perhaps a syphilitic, virus. The existence of such laws, and the fact that their enforcement is permitted by public opinion, show to what absurd delusions an intelligent people may be subject. In Leicester, England, thirty persons have been sent to jail for refusing to submit to this outrage.

Since 1853 there have been three epidemics of small-pox in Great Britain, viz.:

Date.	*Deaths.*
1857, '58, '59	14,244
1863, '64, '65	20,059
1870, '71, '72	44,840

The increase of population between the first and the second epidemic was seven per cent. The increase in small-pox mortality was nearly fifty per cent. Between the second and the third epidemic, the population increased ten per cent. and small-pox mortality one hundred and twenty per cent.!

The deaths from small-pox during the ten years immediately following the enactment of the law making vaccination compulsory, viz., 1854 to 1863, amounted to 33,515. In the second decennium, viz., 1864 to 1873, the number was 70,458. But, as has already been remarked, not only is vaccination ineffectual as a prophylactic against small-pox, it is positively harmful, as adding to that scourge other maladies, some of them even more loathsome. "The Parliamentary Return No. 392, Session II., 1880," writes Mr. C. T. Pearce, "shows that in 1847, when but few comparatively were vaccinated, the proportion of deaths *from syphilis* among infants under one year, per million births, was 472; and that in 1878, after twenty-five years of compulsory vaccination, the deaths from syphilis of infants under one year had increased to 1,851 per million! This same Return states that 'Mortality from infantile syphilis has increased fourfold, scrofula has trebled, while skin diseases, pyæmia, and mesenteric diseases have increased coincidently with increased vaccination.'"

Jonathan Hutchinson, F. R. C. S., in his "Illustrations of Clinical Surgery," says that "there can be no doubt that the danger of transmitting syphilis by vaccination is a real and very important one."

Few persons there are who can behold a running sore upon the body of a fellow-creature without experiencing a sense of loathing and disgust. What, then, must they think of the law which requires that a like foul virus shall be perforce injected into their own veins, to befoul the whole current of their blood and to introduce all manner of diseases? "But care is taken to have the lymph fresh and pure from the heifer," say the vaccinationists. Even so, vaccination is a filthy and a dangerous

operation. Man is not the only animal that is afflicted with tuberculosis. The horse and the cow have each its respective scrofula. The equine analogue of human scrofula is glanders, farcy, or grease. What glanders is to the solidungulata, tuberculosis is to the bovine species. According to Fleming, 5 per cent. of that species are the victims of tuberculosis; in some parts of Saxony the proportion is, according to Wolff, 20 per cent.

Of all the forms of food used by mankind, the writer has always regarded milk as the one most liable to convey the germs of disease. In the living animal, the milk, of all the fluids of the body, is the first to be affected by the variations in the external or internal conditions. Another ground for considering milk to be, of all human foods, the one most likely to introduce disease-germs is the fact that, while all the other kinds of animal food are first cooked, milk is usually taken in its natural state.

At a recent congress of the British Medical Association, one Dr. Martin, an American, was prominent as a champion of vaccination. He informed his brother vaccinationists that he had abandoned the use of humanized virus, because of the complaints which had come to him from physicians that the use of it had frequently produced erysipelas. Yet this is the same humanized lymph which has been employed for nearly one hundred years!

Dr. J. Emery Coderre, Professor of Materia Medica, and for thirty years physician in the Hôtel Dieu, Montreal, says that "the idea of introducing into a healthy organism the virus of an inflammatory and gangrenous malady, in order to keep it from a disease that does not exist, is revolting to common sense." Whether there is any such disease as cow-pox is extremely doubtful. Professor Simonds, of the Royal Veterinary College, Camden Town, England, states that in the course of his long experience he never saw a case of cow-pox. Who ever heard, he asks, of bull-pox? And if there be no bull-pox, and yet cow-pox really exists, it is an anomaly among zymotic diseases, for no other disease of that class is limited to one sex of a species. The editors of the "Veterinarian" have advertised, but in vain, for a case of cow-pox. The lymph that the vaccinationists pretend to obtain from cows probably originated in horse-pox, or in small-pox inoculated on cows.

Dr. Ballard, Medical Inspector to the Local Government Board (England), states, that "in 1868, from one child fifty other children and many adults were diseased; from a second, thirty-four children and many adults; from a third, six children,

mothers, and nurses; from a fourth, sixty children were diseased. Nurses and mothers were diseased through suckling the infants, and syphilis was thus conveyed through vaccination from children to mothers, and from these to their husbands."

In the Appendix to the Thirty-seventh Annual Report of the Registrar-General (England), Dr. Farr writes thus (page 221): "Syphilis was, as far as it was recorded, twice as fatal in the five years 1870–74 as it was twenty years ago. Its most fatal recorded forms occur in children under one year of age. Thus, of nearly 2,000 deaths ascribed to syphilis (in 1874), 1,484 were of babies under one year of age." From these, probably thousands of healthy children were vaccinated, and *contaminated.*

"The Vaccination Inquirer," of London, says: "A company of French soldiers were vaccinated last December, fifty-eight of them by the regimental doctor, from a Spanish child. In a few days the whole of them, *without exception*, were infected with syphilis."

Verde de Lisle, a French writer, says: "Vaccination has caused mental and physical degeneration of the human species; diminished men's stature; incapacitating them for the fatigues of military service, or even the exercise of dancing."

Dr. Jacob Bigelow, once President of the Massachusetts Medical Society, in his Expositions of Rational Medicine, says: "I am certain that the unbiased opinion of most medical men of sound judgment and long experience is, that the amount of death and disease in the world would be less if all disease were left to itself."

Dr. Oliver Wendell Holmes, Professor of Anatomy, Harvard University, in his "Border Lines of Knowledge," says: "The disgrace of medicine has been that colossal system of self-deception, in obedience to which mines have been emptied of their cankering minerals, the entrails of animal taxed for their impurities, the poison-bags of reptiles drained of their venom, and all the inconceivable abominations thus obtained thrust down the throats of human beings suffering from some want of organization, nourishment, or vital stimulation."

And, as though vaccination's twin sister, vivisection, were not sorely enough afflicting the lower animals, Monsieur Pasteur is now doing his best to inoculate them with diseases peculiar to the human family. That he will succeed in this, both his enemies and his friends believe; but there is just one consideration which he

seems to have overlooked, namely, that when he shall have reduced all our food-animals to the same diseased condition to which the human race has been brought by the practices of Jenner and his disciples, we shall all probably have become vegetarians, and then Pasteur's occupation will be gone! That his process deteriorates the constitution of animals cannot be disputed.

But will the medical faculty admit this, and abandon the practice of vaccination? There is no reasonable ground for hoping that they ever will, of their own accord; for though, as one of their number admitted to the writer lately, many of them in their own consciences disapprove of the practice, they dare not give expression to their honest judgment, for fear of being ostracized by their fellows and by the public.

The mania of inoculation is dominant in medicine, and the faculty's all-engrossing study to-day is how they shall infect mankind with the most serious diseases, to the end that they may protect them from the most serious diseases! And the veterinary school, carried away by the same craze, are experimenting with the lower animals, inoculating them with murrains of every sort, in order to prevent all murrains! But history furnishes the proof that epidemics come and go, and have their cycles, though these cannot be calculated. Were the whole human race to be vaccinated and small-pox thereafter to disappear from the earth, it would not follow that vaccination had produced that result. The disappearance of special epidemics, often for ages continuously, through the operation of nature's laws, is a fact verified by observation; and the writer believes that pure air, soap, and water are the best preventives of disease, and the natural enemies of that fearful scourge, small-pox.

After sustaining the conflicts of ages, nations sometimes achieve freedom and independence; but, in a day, in an evil hour, these inestimable blessings are thoughtlessly surrendered. Never before did a free and intelligent people voluntarily make so dangerous a concession to a small minority of their fellow-countrymen as when the enactment of vaccination laws was permitted. In the opinion of the writer, since that period in the world's history which is characterized as the "dark ages," no law has been sanctioned by any government pretending to be "popular," which surpasses in atrocity the vaccination ukase.

HENRY BERGH.

THE CHRISTIAN RELIGION.

PART III.

I COMPLY with the request of THE NORTH AMERICAN REVIEW that I should write an article on the Christian Religion. Not being ambitious to shine in the character of a *malleus hæreticorum*, I shall not enter the lists as a combatant in the debate which has lately been waged in its pages. Religious controversy is sometimes necessary; it is often useful; but it is always exposed to disadvantages. It is very apt to draw about it a multitude of readers whose interest in it is akin to that which animates the spectators of a cock-fight. It easily degenerates into a game of fence, where the vivacity and expertness of the competitors in the duel are of more consequence than the justice of the cause. Christianity is a large matter; the Bible is a large book, or rather collection of books forming a connected whole. It is easy for an ingenious mind to bring forward objections, suggest difficulties of greater or less weight, and propound mistaken or half-mistaken assertions. Of all warfare, guerilla fighting is the least satisfactory. It is proverbial that a question respecting any system, however well founded, may be asked in one line, which it may require pages to answer. To reply to a medley of such objections, one by one, is like the business of picking up pins. And even when the work is really done, the impression left is that made by an apology—according to the fine old maxim, "*Qui s'excuse s'accuse.*" Most of the popular objections are not in the least novel. A critical attack, peculiar in its character, has been made on Christianity in recent times in Germany by Strauss and Baur. It has been renewed in France in a modified form by Rénan. Materialism, either in a bald shape or in its agnostic dress, has made itself a prominent antagonist. But assailants of Christianity in American journals fre-

quently take up last-century weapons which have been cast aside by adversaries of the Gospel who are abreast of the times. To confute attacks of this sort, such as were common in the old Deistical controversy, would be to beat straw already well threshed. In truth, it is remarkable to notice how many of these objections were made by Celsus as early as the close of the second century, —for example, the objection from alleged discrepancies in the Gospels, — and were successfully disposed of by Origen, the great Christian scholar of that day.

I prefer a more positive method of handling the subject. As there is a variety of topics to be touched upon, it will be convenient to separate them by numerical designations.

1. Christianity is not a new thing. It is not contending for a foot-hold on the earth. Its roots are deep in the soil. It is a great, long-established, wide-spread, and still advancing religion. It is the faith of the enlightened nations, incorporated in them at the beginning of their existence, helping to create them, presiding over their growth. It has molded to a great extent their political and social institutions, their sentiments and usages, and leavened their literature and laws. It has entered into their very blood and marrow. To dislodge Christianity as a supernatural religion, were it possible, from the convictions and life of the European nations and their offshoots, would be a revolution the magnitude and terrible effect of which, as I believe, it is impossible to conceive. The old Græco-Roman religion fell, but it fell by the expulsive power of a new and better faith. Had it been swept away by mere unbelief, with nothing but atheism, or the indistinct and fluctuating creed of natural religion, to stand in the room of it, who can doubt that there would have been a ruin without a recovery? But the principal thing which I wish to say under this head is that the burden of disproving Christianity and demonstrating that it rests on a false foundation properly falls on the assailing party; and, further, to intimate that the task is not a light one.

2. It should be understood, at the outset, that no one claims that the system of Christianity is free from difficulties, which may, here and there, be of a perplexing character. This is no more than is admitted by everybody, except narrow partisans, in the case of every science. The same thing is true, I believe, of the law of gravitation. There are mysteries which are not cleared up, which Revelation does not pretend to clear

up; some, it is likely, which the human intelligence, at its present grade of development, is incapable of exploring. We are not yet arrived at the summit where we can overlook the universe. Christianity is a practical system; its founder likened himself to a physician. We are justified in taking food, and in taking medicine when we are sick, and this not merely on grounds of experience; we can see to some extent the *rationale* of the operation of food and medicine, even without an exhaustive knowledge of chemistry and physiology, and the hidden process of life and growth. An Apostle only claimed for himself and others to "know in part," to have a fragmentary and obscure knowledge—but still a real knowledge—of things invisible. The question respecting any creed proposed for belief, whether in religion, or philosophy, or science, is whether the reasons for it are stronger than the reasons against it, and whether they are enough stronger to justify credence. Christianity asks no more for itself than is conceded in regard to every other system and theory, and in regard generally to events which do not fall under the immediate notice of the senses—though even here time and space, sense-perception and the reality of an external world, are not free from the most perplexing difficulties.

Another thing which may as well be said here is, that Christians are not all agreed in their opinions, that it is unreasonable to expect them to concur on all points, and that it is unfair to identify the special ideas of a class with the essentials of Christian belief. What master in philosophy was ever interpreted just alike by all of his adherents? The disciples of Plato have differed as to his meaning on particular points. One of them has maintained one thing and another the opposite. Some have denied certain Dialogues to be his, which others with equal confidence have declared to be genuine. Yet, there is an essential Platonism in which, as a body, Platonic disciples are agreed. Where is there a political party which has existed for a score of years, the members of which are perfectly at one in their creed? How commonly do they disagree as to the meaning of their "platform," and this when there is no designed ambiguity in it! It would be too much to expect that on a subject like Christianity, covering, as it does, so broad a field, and as to the precise character of the Bible as a whole, and of its component parts, there should be an absolute accord among all who call them-

selves, and deserve to be called, Christians. To take a single example: there are some who hold that everything that is said in the Scriptures which bears on natural and physical science is correct and of divine authority. There are others who hold that the Biblical writers, whatever they knew of the physical world, accommodated their language to the science of their time. Others, again, hold that in the Bible are positive errors in science, which, however, are affirmed not to militate against its authority as a teacher of moral and religious truth These last are not to be denied the name of Christians; the fundamental principles of supernatural Christianity they may cherish with all their hearts. It is a blunder of ignorance, or a trick of controversy, to refuse to discriminate between what is essential to a system, and the diverse opinions, on points not essential, which spring up among its adherents. The line of demarkation it may not be so easy to draw; there may be a difference as to where exactly it should run, but the existence of such a line none but a sophistical reasoner will ignore.

3. Before proceeding farther, it is well to advert to an idea which I had formerly supposed was nearly extinct in the world, —the idea, namely, that religion, and the Christian religion in particular, is a bane. The Epicureans thought it an advantage to have deities which stood aloof from all concern for men or connection with human affairs. Lucretius wrote a poem to set forth the atomic theory of the universe, and thus to deliver men's minds from the terrors of superstition and all the gloom and torture of soul of which religion was the occasion. It cannot be denied that religion has been the occasion of incalculable suffering. Think of the uncounted victims of religious intolerance! Think of the animosity and bloodshed caused by religious wars! What an amount of misery arose out of the European wars of the seventeenth century, which had their origin largely in religious dissension! It seems a quick way to abolish these manifold calamities to abolish religion itself. Does it need to be said that there is another side to the picture? Apart from the fallacy of charging on a feeling or principle the consequences of its abuse or perversion, one should look at the comfort, wholesome restraint, uplifting hope, and all the other purifying, elevating, beneficial influences, incalculable in their extent, which have gone forth to the individual, to the household, to the state, and to mankind at large, from religion in its purer

forms. Moreover, one should look at the state of things which would ensue if religion, and the Christian religion, were swept away, and men were left to be born, and toil, and live, and die, "having no hope and without God in the world." This way of arguing against religion as baneful really contains an argument *for* religion. The evil that has sprung from fanaticism and other abuses of the religious sentiment shows how deeply planted religion is in the constitution of human nature, how powerful and ineradicable a feeling it is. In no other way can we account for its tremendous influence, when unenlightened or morbid, for evil. Why not go for getting rid of the nervous system on account of sciatica and neuralgia? Apply the same sort of reasoning which is used against religion to the passion of love as between the sexes. Who can measure the agony of which it has been the occasion—the corroding jealousies, the frantic rage, abiding rancor, adulteries, self-murder, sanguinary wars, from the siege of Troy for the capture of Helen to the connection of Mark Antony and Cleopatra, and from the epoch of the Egyptian sorceress down to our day? Remembering Pascal's remark that if Cleopatra's nose had been longer or shorter, the course of history would have been changed, I am tempted to turn aside and show what unutterable woe would have been spared to mankind if "the fatal gift" of beauty had not been given to woman or to man. But, not to leave our illustration, if love had been absent, and the sensibilities and propensities involved in it, none can doubt that frightful sorrows would have been avoided. But then, among other things, we should have missed the family! To argue that religion is a curse is like contending that domestic life and human government are a curse. If the family had not existed, or were to be abolished, an unmeasured amount of petty tyranny, grinding toil, anguish at bereavement, would not have been, and would be no more. Then, as to human government, what is it but a long record of oppression? The cruel deeds of tyrants, of the Pharaohs, the Neroes, the Napoleons, the ravaging wars which rulers have instigated, the dynastic struggles,—were they all written down, the world would not contain the books. Yet, is human government a bane?

What is there bad in religion? Religion is love to God and men! What more is required by religion but "to do justly, and to love mercy, and to walk humbly with thy God"? (Micah vi. 8.)

This is religion even according to an Old Testament definition. Is this harmful to the individual who practices it? Is it hurtful to a neighborhood or to a civil community? Would it be bad for farmers, merchants, artisans, for young people or old people, or any other class? Are penitence for evil-doing, trust in a Heavenly Father who is more willing to bless than is an earthly parent, the conforming of one's life to the purest Example, in which righteousness and love are perfect and perfectly blended, mischievous? Is it mischievous to resist temptation and to pray to God for help in the conflict, and for aid in becoming unselfish? Yet these are essential ingredients in practical Christianity, and Christianity has nothing in it incompatible with them, but everything else in Christianity is auxiliary to them.

I must confess myself amazed that any rational person can read history with the least attention and fail to see the beneficent influence of the Christian religion. To vindicate Christianity in this particular appears very like pronouncing a eulogy upon the sun in answer to the assertion that there was light—"cosmic light"—in the world before the sun first rose in the heavens, and in order to rebut the complaint that the sun has been sometimes clouded, and gives us, not unfrequently, dull and murky days. What was the world into which Christianity entered? Tribes and nations had been distinct, each of them shut up in its own boundaries, and going forth only to make war on its neighbors. Then all were subdued, and reduced under the hard domination of one city. Liberty—such as had existed in Greek towns where there was a little fraction of freemen to a multitude of slaves, and in Rome within the oligarchy which ruled it—had disappeared. As concerns morality, Roman slavery, the slavery of whites,—of artists, teachers, and authors, as well as of peasants,—which was bad enough under the Republic, grew worse after its fall; gladiatorial combats, where all classes of people applauded the butchery of men by thousands in the arena; infanticide, countenanced by philosophers and statesmen; the foulest sorts of pollution, to which modern society is a stranger, —these are some of the features of social life at that epoch. The picture of ancient morals and manners has been sometimes drawn in colors too black, and without due discrimination; but when faithfully drawn it justifies the condemnation which the Apostle Paul pours upon it, in the introduction of his Letter to

the Roman Church.* There were noble men in antiquity, and there were virtuous women. But when one hears laudations of ancient morals, as if there was a state of things to be compared for a moment with the pure atmosphere of Christian society, one can hardly avoid reminding the authors of such false and ignorant comparisons that the noblest man of all the ancients went with his disciples to visit a prostitute, not to advise her "to sin no more," but to talk on the question how to ply her occupation with most profit.† Considering what Greek life was, Socrates deserves no severe reproach. But this verdict in his favor condemns the society where even the best of its members knew no better.

Neither Socrates nor Plato rose above the Greek prejudice against "the barbarian." There came, indeed, at length, a dawning sense of a humanity not limited by barriers of nation and race. Yet utterances of this nature are heard chiefly from the Stoic sect—a sect which purchased tranquillity at the cost of sympathy, and, by smothering emotion, indulged in compassion only in contradiction to its own fundamental tenets, and preached fatalism and the drifting of all things to destruction as the best gospel it could discover. If Terence wrote a line in praise of humane feeling, Plautus declared that "Man is a wolf to the stranger,"—"*Homo homini ignoto lupus est.*" The only Roman writer who expresses a disapproval of gladiatorial fights is Seneca, and he only in his old age, after he had implied in earlier writings a contrary view. Even the younger Pliny applauds the provisions made by a private person, as well as by Trajan, for these bloody amusements.‡

Charity, compassionate love, says Boeckh, one of the profoundest classical scholars of the present age, was no virtue of the ancient world. Kindly sayings can be met with, as blossoms are found on the high Alps in the midst of the snow. There are instances of philanthropy in something approaching to a systematic form. But it takes more than one swallow to make a spring. The few examples of benevolence on a broad scale, which are often referred to, are generally more apparent than

* I have endeavored to describe the morals of heathen society in "The Beginnings of Christianity," ch. vi.

† Xenophon, "Memorabilia," II., xi.

‡ See Friedländer's comments on Cicero's view, etc., in the "Sittengesch. Roms," I., 242, 243; and Göll, "Hellas u. Rom," 158, 159.

real. The provision for poor children and for orphans, begun by Nerva and carried out by Trajan, was for the increase of the free population—just as Augustus had offered a bounty on marriage. The number of boys supported was ten times that of girls, which indicates that female children were in large numbers abandoned, either to perish or to be saved from death for a worse lot. Children deserted by their parents were reared by a special class of slave-dealers, in order to sell them as slaves.* Measures which were founded on policy—as much so as the feeding of the idle populace of Rome out of the public granary—are not to be construed into evidences of benevolence. The motive of the benefaction of Trajan is shown in the fact that it made no provision for children thus abandoned to perish. The same "mild" Trajan,—and he *was* mild in comparison with many of the emperors,—after his victories on the Danube, put ten thousand men into the arena, who continued for four months to soak the sand with their blood.† The truth is that among the Jews alone the spirit of fraternity and charity prevailed. The Jew alone left in his field the sheaf of grain for the gleaner, and in the vineyard the bunch of grapes for the needy. Aristotle and Plato were the philosophers of widest repute. Aristotle defends slavery on the ground that the slave is an animated tool. Plato discountenances an interest in the poor when they are sick. The laboring man who cannot recover, the physician is to abandon, or to experiment on. In all antiquity, the individual was merged in the state. When the states of antiquity fell, the Stoic dreamed of a cosmopolitan state; but it remained a dream.

Christianity came into the world with a new commandment, "to love one another." It brought in the principle of the brotherhood of man. It broke down the barriers of country and clan. It gathered the Greek and barbarian, the rich and the poor, the freeman and the slave, about the Lord's table, where all differences were merged in a fraternal unity. The Christian churches were eleemosynary societies. They dispensed alms with an open hand to their own poor, and to the needy about them. There had been sodalities for mutual benefit—mutual insurance clubs. But such beneficence and self-sacrifice as Christians showed, were something altogether new in the world. The indigent, the oppressed, the desponding invalid, the

* See Merivale, "History of the Romans," vii., 208, 209.
† Dio, LXVIII., 15.

toiling slave, took heart and hope. There was sympathy for them here on earth, and a bright hope beyond death.

Christianity survived persecution. It was stronger than Rome, stronger than pagan fanaticism. It displaced the old religion. Amidst the decay of all to which the hearts of men had clung, Christianity remained the sole stay and hope of a falling world. The Church turned to the Germanic nations, carried to them the Gospel, reduced their languages to writing, gave them the Bible and a literature, civilized them, conveyed to them such learning and such of the arts of life as had outlived the tides of barbarian invasion. The oldest writings in the Teutonic tongues are the fragments of the Gothic translation of the Bible by Ulfilas. As he gave letters to the Goths, another missionary, Cyril, did the same service for the Slavonic peoples. Anglo-Saxon literature, with English civilization, grew up among our fierce barbarian ancestors through their conversion by Augustine, and the connection into which they were brought with the converted nations of the Continent. It is very doubtful whether the individuals of our Teutonic race who attack the Christian religion would know their letters, or would be possessed of any vehicle for expressing their ideas except in an oral form, had it not been for the heroic missionaries of that religion which is thought to be so deleterious in its influence. In Christian monasteries the remains of ancient literature were preserved; by Christian monks barbarians were taught agriculture and whatever knowledge was left from the general wreck. From schools founded by British missionaries, and by Charlemagne (who was taught his letters by an English clergyman), the universities of Europe afterward arose. In the partial corruption of the Church, the Scriptures had still been preserved; the truth of the Gospel had not been quenched. When the Bible was opened, out of the bosom of the Church came a great Reformation. Religion in its purified form manifested its immortal power in the individual and for the renovation of society. From the awakening of the souls of men to a truer sense of their relations to God and to Christ, resulted in modern times the demand for political liberty and for institutions more conformed to justice. The struggle for English freedom ensued, and the events which paved the way for the American Republic.

I have not space to pursue this topic. The eccentric thesis that religion—that the Christian Religion as it is set forth in the

New Testament—is a curse, may be tested in a practical way. Let any one imagine the best and most faithful Christian, measured by the New Testament standard, whom he knows, to be deprived of his religion altogether, or even of such elements in it as are the exclusive result of the Gospel, and then let him ask himself if his manhood would be improved by the change, and if his influence in the aggregate would be for the better. Then let the same person imagine the entire community to be stripped of the churches, hospitals, schools, the customs of private prayer and household religious teaching,—stripped, in a word, of all the beliefs, habits, feelings, institutions, laws, so far as their origin is due to the Gospel of Christ as taught in the New Testament, and then let him inquire of himself whether the change would be salutary, or whether, in case the Gospel had not borne these fruits, anything else equally desirable would have grown up in the room of them. Let him make up the account, putting in the column opposite to the benefits of Christianity whatever of evil he thinks has come from it, or would have been prevented without it. Let him make the calculation for himself, and render an honest verdict.

4. What is Christianity? It is composed of facts and doctrines, two elements which I shall severally consider hereafter. Christians believe in the supernatural mission of Jesus, in His divine sonship, in the authority of His teaching and of the teaching of His Apostles, in His spotless excellence, in His miracles, in His death and resurrection. They believe that God has established a kingdom in the world, a spiritual kingdom, the beginnings of which were laid in the remote past; that it began in the separation of one man, Abraham, from the surrounding idolatry, and in the segregation from idolatrous peoples of the nation which sprang from him; that this kingdom, founded and sustained by a supernatural Providence, was carried from stage to stage until its consummation, or its attaining to a ripe and universal form, through Jesus Christ; that within this kingdom true religion was planted and nourished until it arrived at perfection in the final or Christian stage of revelation, when it only remained to diffuse it over the earth; that to this outcome the whole system, even in its rudimental shape, looked and tended; and that Christianity was the object of prediction, sometimes dim, sometimes more clear; that the manifestation of God was primarily in act and deed, or in a succession of historical events

in which the divine agency was evidently concerned, and which served, therefore, to reveal God and to bring men into communion with Him; that for the understanding of the significance of these transactions the minds of prophets and apostles were supernaturally enlightened, whereby they were qualified to be the expositors of the outward revelation and to enforce its lessons.

A distinction must be made between revelation and inspiration, and between Christianity and the Bible. He is the recipient of a revelation to whom insight into truth is supernaturally communicated. The same man may, or may not, be inspired to set forth the contents of that revelation, either orally or in a writing. But Christianity existed and was complete, and it was preached, before a syllable of the New Testament was written. Christians hold to the obvious historical fact that the old dispensation stands in an organic relation to the new. Christianity sprang up among the Jews. If science is from the Greeks, and law is from the Romans, "salvation is of the Jews." Religion was the one absorbing idea and interest of that people as it never has been of any other. The Son of Man is the Son of David. But a great part of the Bible is made up of narratives. How far were the writers aided from above in the composition of them, and how far did they depend on observations and inquiries like those through which writers of secular history, into which the miraculous element does not enter, gain their information? No one holds that history was to any considerable extent dictated to them. Some Christians hold that inspiration guided their minds in the selection and omission of matter. Some hold that inspiration protected them from all sorts of error, even such imperfections as the most accurate and faithful narrators are liable to fall into. Others dissent from this last view. But Christians generally consider these historical books of the Old and New Testaments, and all the other books of the Bible, to be differentiated from all other literature, as being pervaded by another spirit, which is due to the fact that they are produced on the plane of Revelation, and stand in a peculiar relation to the supernatural events which form its groundwork. The books of the Bible are the documents of the Christian religion, from which its facts and doctrines, and the circumstances of its origin and growth, can be correctly ascertained. Deviations from traditional theories of inspiration may be erroneous, or they may be well founded, but no man who accepts the essential truths of Christianity is to be

denied the title of Christian on the ground of peculiarities of opinion on this subject.

5. The foregoing remarks naturally bring us to the important fact of the Gradualness of Divine Revelation. Like the subsequent spread of the Gospel, it was "first the blade, then the ear, then the full corn in the ear." This inchoate, preparatory, and, in this sense, imperfect character is ascribed to the Old Testament system, both in the Old Testament itself and in the New. The whole form of the kingdom of God in the earlier dispensation was provisional; the disclosure of God was partial and increasing; laws fell short of the absolute standard of moral duty; rites were adapted to religious feelings and to perceptions not yet mature; the type of character corresponded to the inadequate conceptions of God; the ethical and emotional expressions answered to the several stages of Revelation to which they pertained. All this ought to be as familiar to readers of the Bible as the alphabet. Unhappily, it has been often overlooked by Christians, and persistently ignored by adversaries of Christianity.

Christ contrasted his precepts with the injunctions given to them of old time. He taught that sin and not sinners was to be the object of abhorrence. The boundaries of love and goodwill were to be co-extensive with the race of mankind. Men were to pray for their enemies. Referring to an important precept in the Mosaic legislation, that relating to divorce, he said that it was given on account of "the hardness" of men's hearts; that is, their rude, uncivilized condition, and their moral obtuseness (Matt. xix. 8). The Mosaic law required a man who wished to be rid of his wife, to give her a written testimony which should protect her—when all women separate from a family were castaways—and enable her to contract marriage with another man. This was a limit to the husband's arbitrary prerogative, a restraint put upon him, and so far an approach to the full recognition of her marital rights, and of the sacred character of the marriage-tie. It was a step in the right direction, and as long a step, considering the state of society then existing, as could be taken. To attempt more would have been to rush into *doctrinaire* legislation of the most impracticable character. To complain of this old divorce law, one of the various enactments by which the Hebrew wife and the Hebrew family finally attained to a position which they held in no heathen nation, and

by which safeguards were set around the purity of the household—to complain of this law is as illogical as it is for advocates of temperance to pronounce every license law immoral, when if the law were called restrictive (as it might be), the whole force of their objection would vanish. It is not less unreasonable than it would be to complain of the civil law at present, because, while it prohibits and punishes certain forms of slander, it publishes no statute for the detection and punishment of gossip and petty defamation ; as if the forbidding of one offense involved an approval of the other.

Now an application of the fact of the Gradualness and Partialness of Revelation will remove most, if not all, of the moral difficulties which are raised with regard to the Old Testament. Whoever discerns distinctly this fact—which is a perfectly manifest fact—will have gained a point of view where the major part of these difficulties disappear of themselves. Without this historical sense, without a sympathetic appreciation of the condition of mankind in the far-distant ages when the movement of Revelation began, the old dispensation and the Old Testament can never be understood. Those who have no dislike for the New Testament, but have only hard words for the Old, who can honor the Heavenly Father of whom Christ speaks, but find the Jehovah of the Law and the Prophets repulsive, may be compared to one who relishes a ripe and juicy peach, but has no patience with the rough and bitter peach-stone from which the tree sprang.

The benign tendencies and effect of the institutions and laws of the Old Testament, when compared with the legislation of all other ancient nations, have been often demonstrated. One of the most lucid discussions of the subject, in a brief compass, is that of Professor Goldwin Smith, in his tract entitled "Does the Bible sanction American slavery?" He justly characterizes the Old Testament legislation as "a Code of Laws the beneficence of which is equally unapproached by any code, and least of all by any Oriental code, not produced under the influence of Christianity." The purpose was not to transform society by a miracle. That is not the method of God. The Jewish code brought in no barbarous institution or custom. Its aim and result is to reform, mitigate, and finally abolish evil usages already existing. Take the laws respecting the Avenger of Blood This wild kind of justice is well-nigh universal among primitive tribes. The Old Testament did not attempt to abolish it at a stroke, but laid upon

it useful restrictions. The Avenger could punish no sort of homicide but willful murder; no money was to be taken in satisfaction for blood; hereditary feuds were forbidden; judges were provided in all the tribes to arbitrate between the slayer and Avenger.* Thus, a reign of law was introduced which in time must supplant, and actually did supplant, private vengeance. Take the laws relative to the right of Asylum, another ancient institution existing among the Greeks and Romans, and prominent in the Middle Ages among the semi-civilized European nations. In old times it was a beneficent check upon lawless violence. It furnished safe retreats for the unprotected; but gross abuses always arose in connection with it. Superstitions about sacred places and the immunity of criminals were connected with it. The Mosaic law recognized the custom. It established six cities of refuge. But these were not for the willful murderer. He was to be dragged from the altar.† The cities were not to be holy places. They were for the shelter of the sojourner as well as of the Jew. The fugitive was not compelled to stay in them forever; he might leave the asylum with impunity on the death of the High Priest.‡ Look at the laws respecting paternal authority. In patriarchal society the rule of the father was supreme and absolute. It continued to be an unqualified despotism among the Romans. A Roman father had the legal right to take the lives of his wife and children. As late as the time of Seneca, Erixon, a Roman knight, put his son to death. Under the Mosaic law, a mother must concur with the father in an accusation against a rebellious son. There must be a charge before "the elders,"—a solemn public proceeding.§ Polygamy prevailed in primitive times. A woman disconnected from a family was the most forlorn of beings. She was a miserable outcast. The Mosaic law did not abolish polygamy, but it alleviated its evils. If one wife was hated and another favored, still the first-born child, if it was "hers that was hated," should inherit a double portion.‖ It may be here remarked that woman among the Hebrews was never degraded as in most Oriental countries. In the decalogue, adultery and the coveting of a neighbor's wife or maid-servant were prohibited. Crimes against the purity of matron or maid were rigorously punished. Among the leaders

* Numb. xxxv., Deut. xxiv. 16.
† Ex. xxi. 14.
‡ Numb. xxxv. 26-28.
§ Deut. xxi. 18-22.
‖ Deut. xxi. 15-17.

celebrated in Hebrew story were such as Miriam and Deborah. Millenniums before the discussions of our day upon the emancipation of women, Deborah was a judge in Israel. The description of a virtuous housewife in the Proverbs*—the woman "in whom the heart of her husband doth safely trust"—exhibits the Hebrew ideal of the wife and mother. Inhuman as the rules of war were among the ancient Hebrews, the Mosaic legislation on this subject was for that day humane. The opportunity was to be given to a besieged city to surrender and to become tributary. The inhabitants had the option of saving their lives.† The Hebrews were forbidden to do, as the Greeks did,—cut down the fruit-trees in a district which they invaded. If an attractive female was captured, she might be taken to wife, and then must be treated as a wife; but it was forbidden "to sell her at all for money."‡ Whoever has read Homer, or studied the Assyrian and Babylonian monuments, or even read the history of the Thirty Years' War, may be safely trusted to pronounce a judgment on the spirit and tendency of this legislation. The Jews were forced to fight in self-defense, surrounded as they were by powerful and aggressive nations. But they did not become a warlike people. War was never the great occupation; military distinction never counted for so much as was the case in other nations; and there were checks upon enforced military service, as remarkable as they were beneficent.

Professor Goldwin Smith has just observations respecting monarchy among the Hebrews. Their leaders recognized the advantages of a free commonwealth, and felt it to be more consonant with their idea and function as a people. But when the people—being what they were—preferred monarchy, monarchy was allowed. But the Hebrew kings were not Oriental despots. They reigned by consent of the people. There were laws which set a limit to their prerogatives. There were fearless prophets to rebuke and denounce the proudest of them. The right of revolution was maintained. No such man as Nebuchadnezzar would have been endured by the Hebrew people.

Respecting Hebrew worship, Professor Goldwin Smith remarks:

"All the nations worshipped God by sacrifice and through outward forms till the mind of man had been raised high enough to worship in spirit and in

* Prov. xxxi. 10–31. † Deut. xx. 10; Deut. xx. 19, 20.
‡ Deut. xxi. 10.

truth. The Hebrew lawgiver did not originate sacrificial rites, but he elevated and purified them, and guarded them against the most horrible aberrations as to the nature of God and the mode of winning his favor and averting his wrath, as all who know the history of heathen sacrifices, Eastern or Western, must perceive. The scape-goat has been and is a subject of much mockery to philosophers. Moses did not introduce that symbolic way of relieving the souls of a people from the burden of sin and assuring them of the mercy of God; but he took care that the scape-goat should be a *goat*, and not, as at polished Athens and civilized Rome, a *man*."

The Levites were not a sacerdotal caste. They were set apart for service in the ritual by the laying on of the hands of "the children of Israel," who were gathered in an assembly for the purpose. The right to teach was not confined to the priestly class. The prophet held a more exalted station than the priest, and one might be called, like Amos, to the prophetic office, whose occupation had been to tend sheep.

Slavery has existed among all, or nearly all, uncivilized nations. It was universal among the peoples of antiquity. The lives of the inhabitants of a conquered place were forfeited by the laws of war. They might, at the option of the captor, be reduced to slavery. Patriarchal slavery, as it is depicted in the Bible, was the mildest form of servitude. It was domestic slavery; the servant was one of the family, was a companion of the master, was brought into religious fellowship with him, and, like a feudal vassal, was armed in his defense. Slavery, as regulated by the Mosaic enactments, when compared with slavery as defined and practiced under Roman law, or even among modern nations, was a humane institution. A Hebrew might become a slave voluntarily, on account of poverty, or he might be reduced to slavery as a penalty for theft. But his servitude was terminable by the satisfaction of just claims upon him, or by the recurrence of the year of jubilee, which emancipated all slaves of Hebrew extraction; and, in any event, by the expiration of six years from the time when he became a slave. His master was enjoined to treat him not as "a bond-servant," but as "an hired-servant," and "not to rule over him with rigor." When his servitude came to an end, his master was forbidden "to let him go away empty."* With regard to marriage, a master might give to a Hebrew slave a non-Hebrew wife, herself a slave, for the time of his servitude, but she and her children remained with the master—a provision which, however harsh it may appear to

*Ex. xxi. 2, *seq.*; Deut. xv. 12–15.

us, was not harsh when compared with the ordinary codes and customs of slavery. A father might, for money, dispose of his daughter; but this was with a view to her marriage, and was one branch of the *patria potestas*, the paternal prerogative. The purchase-money might be looked upon somewhat in the light of a dowry. Enactments were carefully made for her protection in case she did not become a wife of the one to whom she was given, or of his son.* As regards non-Hebrew slaves, they might be manumitted. There were regulations for their protection and comfort, such as no other ancient nation framed. The willful murder of a slave was visited with the same penalty as the murder of a freeman. A serious injury, such as the loss of an eye or a tooth, was to be recompensed by giving the slave his liberty. Kidnapping, and the surrender of fugitive slaves flying from a heathen master, were punished. The general treatment of slaves under the Old Testament law was gentle. The Hebrew is most emphatically commanded to be kind to the stranger and not to maltreat or oppress him. "Thou shalt neither vex a stranger, nor oppress him: for ye were strangers in the land of Egypt." "For the Lord your God is a God of gods, and Lord of lords, a great God, a mighty and terrible, which regardeth not persons, nor taketh reward. He doth execute the judgment of the fatherless and widow, and loveth the stranger, in giving him food and raiment. Love ye, therefore, the stranger; for ye were strangers in the land of Egypt." The slave, like his master, did no work one day in seven. He partook with the family in the most solemn acts of public worship. He even took part in the family festival of the Passover. There was no policy looking to the multiplying of slaves. There were no slave markets. Israel was never a "slave-power," as were Athens, Rome, and other ancient states.

We may pause for a moment to advert to the attitude of Christianity toward slavery. If Christianity had made war directly on the constitution of society, had undertaken to reduce the government of Nero to a moderate and legitimate exercise of authority, had attempted to define the distinction between just service and unjust servitude,—if Christianity had attempted these things, it would have had a short stay in the world. What did the Apostles do? They inculcated the golden rule. They

* Ex. xxi. 7-10.

insisted on the equality of men before God. They enjoined the exercise of justice and love. They taught that both master and slave had a Master in common, to whom both were answerable. They counseled slaves not to resist even harsh masters, but to bear their sufferings with patience and fortitude. They bade masters render to their bond-servants that which is just and equal. Paul sent back Onesimus to Philemon, no longer as a servant, but as a brother beloved. In a word, Christian Ethics, or the bearings of the Law of Love on social relations, were not developed in all their ramifications in a moment. They were left to be brought gradually to the consciousness of Christian men, and thus to be intelligently and peacefully realized in social organization. If Christianity did not abolish slavery by an instantaneous decree, which would have been only a *brutum fulmen*, it put gunpowder under the system. For it was the influence of the Gospel which eventually abolished slavery in the Roman Empire and serfdom in the Middle Ages; and it is the direct and indirect influence of Christianity which has abolished modern slavery, notwithstanding the defense of it by undiscerning or interested clergymen and churches.

We return to the Old Testament. There was one thing which the Hebrews were to regard with unsparing hatred. This was idolatry. They were the Chosen People. They were chosen to be the recipients of a revelation; to form a community in which the only living and true God should be alone worshiped; through which Monotheism should be planted on the earth, and a priceless gift be prepared for all nations.

What shall be said of the extermination of the Canaanites? The moral questions involved in this topic are so grave and momentous that, if it were to be discussed adequately, a large space would be requisite for their full treatment. But I venture upon a few observations.

In the first place, what reason is alleged for the driving out of these tribes, and for destroying them, root and branch? One reason was their unexampled vileness and impurity. Another reason was the contamination which would make association with them the ruin of the Israelites. These old Canaanite tribes were steeped in a worse than brutal sensuality. The foulest incest was not the extreme point of their pollution. With this bestiality was joined a cruelty which made human sacrifices, the flinging of children alive into the flames to appease their gods, congenial to

them.* Many of them fled to Tyre and other Phenician towns. From what we know of Carthage, which was settled by Canaanite worshipers of Baal and Ashtaroth, we can get an idea of the savage rites of their idolatry. In the flourishing days of that city, hundreds of innocent boys, belonging to the best families, were thrown into the fire as a sacrifice to Moloch, the "horrid king" of the old Canaanite religion. "The land is defiled: therefore I do visit the iniquity thereof upon it, and the land itself vomiteth forth its inhabitants."† The Israelites were warned not to follow the course of the Canaanites, "That the land spew not you out, also, as it spewed out the nations that were before you." These degraded tribes were to be rooted out, "That they teach you not to do after all these abominations, which they have done unto their gods."‡

In the second place, that the Israelites, animated with faith in the true God, taught to detest the unspeakable wickedness of the Canaanite tribes, considered themselves intrusted with a mission to execute God's judgment upon them, to drive them out and destroy them, and to make room for that true religion of which they were the exclusive representatives on earth, is an historical fact. When they saw afterward the mischief that resulted from the influence of the remnant of the Canaanites that were left, they were confirmed in the conviction that their destruction was the just ordinance of God. They felt that a sacred obligation rested on them to sweep the ground clean.

In the third place, the beneficent results of Revealed Religion, the benefits which have gone forth to mankind, and appear in the Christian civilization of to day, were contingent, as far as we can judge, on the extermination of these tribes. I shall quote here from two accomplished historical scholars, neither of whom can be accused of a lack of humane feeling, and neither of whom is wedded to traditional theological beliefs. Professor Goldwin Smith remarks on this topic of "the penal destruction of the Canaanites":

"Had they been spared, and reduced to slavery, the result, judging from analogy, would have been the deep corruption of the Chosen People. With abundance of slave-labor, the Jews would not have taken to industry, nor have acquired the virtues which industry alone can produce and guard. Their fate would have been like that of the Turks and other conquering hordes of the East, which, the rush of conquest once over, have sunk into mere sloth and abject sensuality. And if the morals of the Canaanites are truly painted in the Pentateuch, the possession of such slaves would have been depraving in the highest degree."

* See Levit. xviii. † Lev. xviii. 25. ‡ Deut. xx. 18.

More emphatic still are the words of Dr. Arnold:

"It is better that the wicked should be destroyed a hundred times over than that they should tempt those who are as yet innocent to join their company. Let us but think what might have been our fate, and the fate of every nation under heaven at this hour, had the sword of the Israelites done its work more sparingly. Even as it was, the small portions of the Canaanites who were left, and the nations around them, so tempted the Israelites by their idolatrous practices, that we read continually of the whole people of God turning away from his service. But had the heathen lived in the land in equal numbers, and still more, had they intermarried largely with the Israelites, how was it possible, humanly speaking, that any sparks of the light of God's truth should have survived to the coming of Christ? Would not the Israelites have lost all their peculiar character? And if they had retained the name of Jehovah as of their God, would they not have formed as unworthy notions of his attributes, and worshipped him with a worship as abominable, as that which the Moabites paid to Chemosh, or the Philistines to Dagon?

"But this was not to be, and therefore the nations of Canaan were to be cut off utterly. The Israelites' sword, in its bloodiest executions, wrought a work of mercy for all the countries of the earth to the very end of the world. They seem of very small importance to us now, those perpetual contests with the Canaanites, and the Midianites, and the Ammonites, and the Philistines, with which the Books of Joshua, and Judges, and Samuel are almost filled. We may half wonder that God should have interfered in such quarrels, or have changed the course of nature, in order to give one of these nations of Palestine the victory over another. But in these contests, on the fate of one of these nations of Palestine the happiness of the human race depended. The Israelites fought not for themselves only, but for us. It might follow that they should thus be accounted the enemies of all mankind,—it might be that they were tempted by their very distinctness to despise other nations; still they did God's work,—still they preserved unhurt the seed of eternal life, and were the ministers of blessing to all other nations, even though they themselves failed to enjoy it." *

It is pertinent to remind the reader that acts occurring in recent times resembling the destruction of the Canaanites have been approved, whether justly or not, by writers of high repute. Of the massacre by Cromwell at the siege of Drogheda, Carlyle says:

"Oliver's proceedings have been the theme of much loud criticism and sibylline execration, into which it is not our plan to enter at present. Terrible surgery this; but *is* it surgery and judgment, or atrocious murder merely? That is a question which should be asked, or answered. Oliver Cromwell did believe in God's judgments; and did not believe in the rose-water plan of surgery;—which in fact is this editor's case too." . . . "An armed soldier solemnly conscious to himself that he is the soldier of God the Just,—a consciousness which it well beseems all soldiers and all men to have always,

* Quoted by Stanley, "History of the Jewish Church," I., 283.

—armed soldier, terrible as Death, relentless as Doom; doing God's judgments on the enemies of God! It is a phenomenon not of a joyful nature; no, but of awful, to be looked at with pious terror and awe."

In the fourth place, as far as the effect upon the Israelites of this war of extermination is concerned, there was no wounding of sensibility. There was no such departure from the prevalent ideas and the prevalent usages of war, as would produce a moral deterioration in the Israelites themselves. Rather is it true, that feeling themselves the deputies of the Supreme God for the infliction of righteous penalties, and for carrying out His purpose, they would perform their stern task with a kind of sacred enthusiasm, distinct from personal revenge and malice, and impressed at every step with their own exposure to a like retribution in case they should fall back into the pollutions of heathenism. An act which, though enjoined by just authority, and in its ultimate results beneficent, it might not have been possible for a people on a higher stage of moral development to perform without a hardening effect on themselves, the Israelites could do with no such consequence flowing from it.

As to the Canaanites themselves, they endured a retribution which has often been inflicted, in the ordinary course of Providence, on corrupt and enervated races, going down before the power of a more vigorous invading people. In the case before us, the Supreme Ruler employed human instruments directly designated, and, therefore, justly empowered, for the purpose. Yet, on this view, it may still be said with truth that the injunction to drive out the barbarian tribes took the form that it did on account of "the hardness of their hearts." Had they been more susceptible to gentler motives, less inclined themselves to sink into debasing idolatry, and had their moral sense been capable of discriminations which Christianity has made familiar, the mission given to them might have been different. It might then have been as safe for Israelites to mingle with the heathen as it was in later ages, when no seductions and no terrors could move them to take part in idolatry.

I am not satisfied that the foregoing remarks do not embrace the elements of a fair solution of the problem presented by this page of the sacred history. But if any think that this solution, in the light of the Gospel, by which everything is to be judged, is insufficient, the alternative remains to consider—not the abhorrence of idolatry, not the disposition to put far from them

its orgies and pollutions—but the connected impulse to destroy and exterminate which those feelings engendered, as not inspired of God, but as a natural impulse and emotion on that stage of moral discernment which, on the one hand, was elevated above the obtuseness of conscience out of which they had been lifted by the light of Revelation, and on the other hand, was not so far elevated above it as to enable them to think of other means of attaining the desired end. On this theory another view must be taken respecting the inspiration of these passages in the record. They must be considered as reflecting the judgment of the men of "the old time" respecting the deed of the Israelites. That deed must be held to have sprung, not from an explicit injunction, but from the dictate of a holy, yet imperfectly holy, sentiment. The espousal of this view, however, does not deprive a man of the title of Christian. Whether true or false, it can be held consistently with the belief that Jesus Christ is the Son of God and the Saviour of the world. This belief it is which makes a man a Christian.*

To sum up what I have to say here upon the Old Testament system. It was a national religion. Without a stupendous and continuous miracle, in no other way could the true religion get a foot-hold on the earth. But miracle is not magic. At that time all religions were tribal. The Hebrews were organized by the act of God into a theocratic community. He assumed toward them the relation of a lawgiver. His legislation, given through prophets, extended over all matters of which government was expected to take cognizance. Idolatry was weeded out by express enactments. Apostasy from God was at once impiety and treason. Penalties were inflicted upon overt irreligion, not through the agency of natural law only, as on the broad field of the world, but through civil law, which was acknowledged to emanate directly from God. The uncivilized instincts of men were more and more curbed by wholesome enactments adapted to their condition. Increasing disclosures of the character of God purified the popular conception of Him. As Revelation advanced, the standard of piety and morality rose to a higher grade. Holiness came to be a word full of the most sacred meaning. Conscience was disciplined. Aspirations for a nearer access to God, for a wider reign of God, were awakened. A more full Revelation was an-

* Matt. xvi. 16–18. John iv. 42, vi. 69.

ticipated in the dim future. To the future the longing eyes of men were turned. At length the day came for the true religion to burst through the bonds of its political form and its external ritual. The true King, the hope of prophecy, appeared, not as the head of a single commonwealth, but as the Lord and Redeemer of Mankind. Theocracy reached the ideal to which it had pointed, and toward which it had striven, from the beginning.

6. In presenting the evidences of Christianity, the facts are first to be established. The facts which are principally called in question are the miracles recorded in the Gospels. An atheist cannot credit the narrative of a miracle, for he knows of no power competent to perform one. A deist who believes in an idle deity who lets the world go on of itself, and takes little interest in the well-being of men, will distrust all testimony to miracles, be it as cogent as testimony ever can be. But a theist, whose God is a benevolent Being and pities human distress, even the distress of those who have willfully forsaken Him, will regard a Revelation as not improbable, and miracles, a part and evidence of it, as not unlikely to occur.

Without considering, for the present, questions relating to the authorship and date of the Gospels, it is affirmed to be impossible to account for the beginnings of Christianity, and for facts which every sensible person admits respecting Christ, his teaching, and the foundation of the Church, without allowing that miracles such as are narrated in the Gospels, including His resurrection, were actually wrought. The known fact—a fact attested by the Apostle Paul,* an unimpeachable witness—that the Apostles themselves professed to work miracles by a power derived from Christ, makes it highly probable that they believed miracles to have been wrought by him. What made them believe this, if they had not seen them? Repeated injunctions of Christ not to report his miracles are an obviously authentic part of the Gospel history; and this proves that the events to which these injunctions refer actually took place. Cautions, plainly authentic, proceeding from him, addressed to his disciples, against making too much of miracles, are a proof that they were actually wrought. There is teaching of Christ, the authenticity of which cannot reasonably be disputed, which is meaningless unless certain miracles were the occasion of it. An example is the message sent to John the Baptist, when he inquired if Jesus were really

* Gal. iii. 4; II. Cor. xii. 12.

the Christ (Matt. xi. 4, Luke vii. 22). Other examples are conversations of Jesus with over-rigid observers of the Sabbath; they complained that he had healed the sick on that holy day. His answer on one occasion (Luke xiv. 5) implies that the healing was of a desperate malady. The charge that Jesus cast out demons by Beelzebub proves that he restored demoniacs, like the madman of Gadara, to reason and health. The resort to this imputation proves that the cures of this kind which he wrought were not parallel with any exorcisms with which the Jews were familiar. The fact that not a miracle is attributed to John the Baptist should convince one that the miracles attributed to Jesus were really done. John was considered by the Apostles inferior to none of the prophets. Why are not marvelous works connected with the accounts of him? Why are no miracles ascribed to Jesus himself, before his public ministry? The later, apocryphal Gospels do this; but not the Gospels of the canon. It is impossible to explain the faith of Jesus in himself as the Messiah, or the persevering faith of the disciples in him, if he wrought no miracles. Strauss called the miracles myths, growing out of the fixed expectation that the Messiah, when he should come, would do such works. How, then, could they consider Jesus the Messiah, if he did not do them? To one who studies the Gospel history, it is plain that miracles enter into the nexus of well-attested occurrences, and cannot be dissected out of it. The crowning miracle of Christianity—the resurrection of Jesus—is supported by proof which cannot be invalidated. Everybody who knows anything about the subject will concede that the unanimous faith of the Apostles in the resurrection, as having occurred the third day after his death, is the cause of the continued existence of Christianity beyond that date. Whether Christianity should survive or perish turned on that pivot. To explain that belief of the Apostles, for which they were ready to lay down their lives,—that inspiring belief which raised them from the depths of despondency, and transformed them from timid fugitives to courageous heralds, going forth to confront and conquer all opposition,—to explain this belief, if it was not founded on fact, is a tough problem for skepticism to solve. The Apostle Paul, who was converted in the year 35, about five years after the crucifixion; who, three years later, spent a fortnight with Peter at Jerusalem;* who was conversant at the time with the tes-

* Gal. i. 18.

timony given by the Apostles, presents in detail the successive manifestations of Jesus to them and to the other disciples; in one instance, to five hundred at once.* These interviews were a definite number; they began at a certain time, they ceased altogether at a certain time. This circumstance, taken in connection with all the other phenomena which no candid skeptic will deny to have entered into the testimony of the Apostles on this subject, excludes the theory of hallucination. Moreover, the psychological conditions which it would be necessary to assume in order to render self-delusion possible on their part were wholly wanting. They were mourning as for a lost cause. Nothing but an objective event of the most impressive character could have revived their spirit, and produced that revulsion of feeling out of which the whole subsequent history of the Christian religion sprang.†

An objection to the credibility of the Gospel miracles is often drawn from the fabulous miracles which abound in the records of pagan antiquity, and in the legends of the saints. The objection is plausible, but it is fallacious in logic, and is based on a superficial resemblance. The miracles of the Gospel are for a higher end; they are for the purpose of revelation. They mark the opening epochs in the establishment of the kingdom of God on earth. For the diffusion of that kingdom they are not required. Again, the miracles of the Gospel were not wrought in coincidence with a prevailing system, and for the furtherance of it; they had not the enthusiasm of believers, and their already established faith behind them. *They created that faith, they kindled that enthusiasm.* This is a most significant difference. Moreover, the temptations to fraud in the case of ecclesiastical miracles are such as had no place when Christianity was first introduced by Christ and the Apostles. The qualifications of the witnesses to mediæval and patristic marvels cannot for a moment be compared to those possessed by the disciples of Jesus. Any one may see this who will take the trouble to read the contemporary lives of Saint Francis. Once more, the Gospel miracles were none of them merely tentative. There were not a few instances of miraculous cure connected with numerous failures, as in the case of the Jansenist miracles, referred to by Hume.

* I. Cor. xv. 1–8.

† For a more detailed discussion of the credibility of the miracles, see my article in the "Princeton Review," Jan., 1881.

Had this been the fact, vigilant enemies would have blazoned it abroad at once. I do not dwell on the grotesque character of the ecclesiastical miracles as a class, in comparison with the dignity of those narrated in the Gospels; nor do I touch on other points of disparity which put credulous chroniclers of antiquity and of the Middle Ages in an utterly diverse category as regards trustworthiness from that held by the founders and first teachers of the Christian religion.

Thus far I have spoken of miracles without specially considering the origin of the Gospels. That we have in these narratives the testimony substantially, to say the least, as it was given by the Apostles, there is no valid reason to doubt. To begin with the manuscripts. The allegation that because we have not the original documents we do not know whether the copies extant are not falsified, can only come from sheer ignorance. It is impossible to account for the agreement of the manuscripts which exist, including the most ancient Uncials,—to make no account here of the minor diversities which give occasion for textual criticism,—without concluding that they correspond to the original compositions, and to the copies in use in the life-time of the authors.* It is a sufficient answer to illiterate objections of this sort that we have better proofs of the integrity of the Gospels than of any other ancient writings. They were in use by numerous widely scattered societies. These could not have conspired, had they been so disposed, to corrupt the text. They appeared in early translations, as the Peshito, or Syrian, and the Old Italic, the basis, in part, of the Vulgate. They are quoted by a body of ancient ecclesiastical authors in the East and West. It is enough to say that if one questions the integrity of the Gospels, he ought never to quote a line of Homer, no complete manuscript of whom is older than the thirteenth century. He ought never to cite Marcus Aurelius, or Plato, or any other heathen sage. In truth, he should never refer to ancient history, for the bulk of our information respecting it is derived directly from ancient writers, whose autograph manuscripts perished long ago, and were documents concerning which we have generally far less evidence than we have respecting the writings of the New Testament.

* For the proof in detail, see Norton's "Genuineness of the Gospels," or my article, "How the New Testament came down to us," in "Scribner's Monthly," February, 1881.

As to the authorship of the Gospels, I will state what I believe to be the outcome of sound and impartial critical study. The second Gospel, which many now think to have been the first written, is the work of Mark, who was for a time a companion of the Apostle Peter, and, perhaps, has transferred some part of that Apostle's vivacity to his pages. On the ground of a comparison of the contents of Mark and Matthew, some have contended that not quite all of the second Gospel in its present form emanated from Mark, but that a portion of the matter was, at an early day, added by some other hand. I see no good reason for this opinion. There are no traces of a proto-Mark in antiquity. The ~~second~~ third Gospel and the Book of Acts were written by a Gentile Christian, who journeyed for a time with the Apostle Paul, and whose affirmation that he had gathered his knowledge of the words and actions of Christ from eye-witnesses, is entitled to full credit. The first Gospel is ascribed to Matthew by the early Christian writers without dissent, although it is said to have been first written in the Hebrew language, and it is thought now to have received some additional matter from the early disciple, whoever he was, who transferred it into Greek. It existed in Greek at the date when it is spoken of by Papias, a contemporary of the Apostle John. There is internal evidence which, in my judgment, is of a most convincing character, that these three Gospels existed in their present form about A. D. 70, or when some of the Apostles, and a multitude whom they had taught, were still living. The genuineness of the Gospel of John has been of late persistently, but, as I think, unsuccessfully assailed. If there are difficulties connected with the supposition of its genuineness, there are far greater difficulties attending the opposite hypothesis. Only one fact belonging to the external evidence may here be given. Irenæus, a man of unquestioned probity, Bishop of Lyons in the latter part of the second century, by whom, as by all of his contemporaries, the Fourth Gospel was received without doubt or question, had personally known in the East the Martyr Polycarp, Bishop of Smyrna, and had heard him describe the appearance and manners of the Apostle John, whom Polycarp had personally known at Ephesus, where the Apostle spent his closing years. It is morally impossible that Irenæus received a Gospel as from John which Polycarp knew nothing of, or that Polycarp could have been mistaken on a point like this.

When all the literary evidence is scanned, and all the collateral proofs weighed, the conclusion will be that we have presented to us in the Gospels the story which the Apostles told of what they had seen and heard in their intercourse with Jesus. In these inartificial narratives the testimony of the original Disciples is fairly laid before us.

The question recurs, are the Apostles to be believed? If not, shall we say that they are knaves, or that they are fools? The idea of their being knaves who were so anxious to become "the offscouring of all things" that they made up a lie—made up a lie for the pleasure of dying for it—this idea is happily obsolete. But were they fools? Were they half-crazed enthusiasts who imagined that they saw such things as the cure of the leper, after the Sermon on the Mount, or the stopping of the bier at Nain, and the raising from the dead of the Widow's son, when no such things occurred? Did Jesus, then, who is lauded as a great reformer, as one who knew human nature, a teacher of pre-eminent wisdom, select a band of fools for his chosen companions, to make up his family? And did he choose them for the express purpose of observing what He should say and do, that they might go forth and relate it to others? In what light does this theory place Christ? Turn to the narratives: were there ever stronger marks of truth? Artless, with no effort to parry objections, or anticipate cavils, the manner of the writers is that of honest men. The narrative given by the Apostles is objective; they are taken up in the subject matter; they are oblivious of the bearing of what they relate on their own repute; they tell their own faults, their own unfaithfulness to Christ, their cowardice, treachery, desertion. They set down the sharp rebukes which they received from his lips. There is no effort at concealment, nor is there any trace of exaggeration. There are none of the exclamations of wonder, none of the expletives and asseverations which belong to fictitious testimony. All is simple, unadorned, marked with the unmistakable signs of truthfulness. These are witnesses before whose eyes great and wonderful things have passed,—so great and wonderful that in the presence of them all personal considerations are lost out of sight. If the portrait which they incidentally present of Jesus in his transcendent purity and goodness—a portrait in which Divine authority, and power above that of men, are strangely yet inseparably mingled with human meekness and sympathy—does not correspond to a reality which they had seen

and known, then who gave to these unpracticed authors, to these apostolic witnesses, destitute of artistic skill, the ability to produce such a marvelous creation of fancy? If this be, indeed, their creation, let us worship them!

7. What shall be said of the objection to the credibility of the Gospels from alleged discrepancies? The first thing to be said is that the objection is irrelevant. Discrepancies and inaccuracies belong to almost all testimony. On the principle that a witness or an author is to be discredited if he fails of accuracy in all particulars, it would be impossible to believe anything. Courts of law would have to be shut up. All books of history, including narratives written from personal observation,—much more, such as are based on them,—would be worthless. Paley, one of the ablest defenders of Christianity in the last century, justly says: "I know not a more rash or unphilosophical conduct of the understanding than to reject the substance of a story, by reason of some diversity in the circumstances with which it is related. The usual character of human testimony is substantial truth under circumstantial variety. This is what the daily experience of courts of justice teaches. When accounts of a transaction come from the mouths of different witnesses, it is seldom that it is not possible to pick out apparent or real inconsistencies between them. These inconsistencies are studiously displayed by an adverse pleader, but oftentimes with little impression upon the minds of the judges. On the contrary, a close and minute agreement induces the suspicion of confederacy and fraud." Contemporary historians, although honest and painstaking, usually fail to accord with one another in some particulars of the narrative. They may differ as regards quite important circumstances, and yet their general credibility not be shaken. The accounts of the assassination of Julius Cæsar contain numerous discrepancies; so it is with the ancient narratives of the murder of Cicero. Yet Cæsar and Cicero were killed, and the main circumstances can be well ascertained, and even minor particulars arrived at, by a comparison of authorities. Some maintain that Colonel Prescott commanded at Bunker Hill; others that General Putnam was in the chief command. However the question may be determined, or if it cannot be determined, there is no doubt that a conflict occurred there, and no doubt as to the essential facts. Macaulay's history of England is not made worthless because he confounded William Penn, the Quaker, with George Penn, the pardon-broker.

Where variations occur in testimony, or inaccuracies in any single witness or reporter, the only question is whether they are of such a number and character as to destroy the general trustworthiness of the narrators, and to cast doubt on the substantial contents of their tale. If not, they may furnish material for a pettifogger to deal with, but they will have no weight with a discerning judge or an intelligent critic.

Applying these principles to the Evangelists, we shall find that their general credibility is rather confirmed than weakened by the blemishes alleged to exist in their narratives. It is true that Strauss and critics of that stamp have tried to break down this testimony by making a parade of verbal differences, and by opposing a clause taken from one author against a clause picked out of another. It is true of Strauss, as of many others, that he reasons often in a circle, impeaching one author on account of the statement of another whom he likewise impeaches. The method, as thus pursued, is a sophistical one, and is parallel to instances of artificial harmonizing which well-meaning but ill-judging defenders of the Gospels have sometimes resorted to in order to remove real or apparent inconsistencies. Our historian, Mr. Prescott, began to read Strauss, but soon laid aside the book on account of the false and unfair method which marks the discussion,—a method subversive of the canons of sound historical criticism

Whatever opinion is entertained on the question whether the narrations in the Gospel histories admit of being reconciled in all particulars,—a question on which Christian scholars are still divided,—it can be clearly shown that in numerous instances where it has been pretended that contradictions exist, this opinion is erroneous. It must be remembered that these books are not formal histories. They are memoirs. There is no aim at completeness. They are not from the pen of expert writers. Circumstances, even very important facts, may be left out of one and recorded by another. In narratives of this character, whether oral or written, there is often an appearance of inconsistency where some additional circumstance not introduced would at once dispel this appearance. One has only to observe the narratives of daily occurrences as they are given by one's friends who are possessed of an average degree of accuracy, to discern the fallacy and unfairness of much of the adverse criticism of the Gospels. But, as I have intimated above, if no

single transaction were described by any two Evangelists, either in precise agreement with one another, or in precise correspondence to the facts, no inference could be drawn against the substantial truthfulness of their narratives. The fact would compel a modification of a conception of inspiration which many entertain, but would leave the essential facts in the life of Jesus, his miracles and resurrection included, untouched.

8. We leave the Gospel history to glance at Christianity on the doctrinal side. Christianity is the religion of redemption. It rests on the presupposition of Theism, and stands or falls with it. The being of God being acknowledged, the one postulate of Christianity is the doctrine of sin. In affirming that sin is a dominating principle, or in declaring the general sinfulness of mankind, the Gospel brings forward a truth made evident by the individual's personal consciousness and observation, implied in the laws, customs, languages, and literature of the world, and manifested in the entire history of the race. Christianity does not create moral evil. On this subject of human wickedness it does nothing more than reiterate what the foremost of heathen poets and philosophers have united in asserting. Seneca is as severe in the accusation which he brings against mankind as Paul, though the Stoic's moral abhorrence of the guilt which he denounces is less intense. Those who find fault with Christian teaching seldom avoid implying a prevalence of sin which they will not consent explicitly to allow. We hear them call slavery "a hideous crime," the sum of abominations. But slavery, up to a recent day, has existed almost everywhere, and in all ages. The class of oppressors who are directly responsible for it have been strong enough and numerous enough to hold their victims in subjection. It has commonly been true that the slave has been ready, at any time, to take, when he could, the position of a master. Mankind, then, have been engaged, from the dawn of history, in the perpetration of what is termed a hideous crime. Wars of conquest are denounced as flagrantly wicked. But war has been the great business of the race, and no homage, no honors, no rewards have been so great as those bestowed on the conqueror. What are generally deemed the purest religions are charged with having incorporated into their sacred books, their creed and rites, features indicative of the direst cruelty. What must be the moral condition of a race whose theology and worship are said to be the offspring of cruel and vindictive passions?

Christianity broaches no new doctrine when it teaches that moral unworthiness belongs, though in different degrees, to men in common; that evil-doing is the habit of the race, though responsibility and guilt are personal. If there be a mystery in the universality of sin, viewed in connection with personal agency as its necessary source, and the condition, *sine quâ non*, of its guilt, it is not a mystery which the Gospel originates. It inheres in the facts, which are as patent to the enlightened heathen as to the Christian, and stare every man in the face. Christianity brings out in a clear light the identity of sin as a principle, although Stoicism was not blind to this truth. Unrighteous anger is not literally murder; but it is, in a minor degree, the same evil which in murder appears full-grown. It is murder in the germ. Ambition is not avarice; but both are alike selfish. Take what specific form it may, sin is a violation of righteous law, a disregard of rightful authority, a preference of a narrow interest to the universal good. All moral obligations are so bound together that he who offends in one point is guilty of all. Law is one, and Love is one, and Love is the Law. Christianity, as it recognizes the love of God as the first and supreme duty, traces all special forms of excessive self-love and evil-doing to the separation of man from communion with God. Here is the *fons et origo malorum*. In the void created in the human soul by the renunciation and loss of God, all idolatries have their origin; not merely the worship of deities devised by the imagination, but the idolatry of the world—the inordinate love of pleasure, power, fame, wealth. Ethics has the springs of its life in religion. Morality, divorced from religion, is a plant cut off from its root. It may retain its freshness and fragrance for a time, but in time it withers and perishes This idea of the moral and spiritual life of man as having their living source in man's fellowship with God, in whom he lives, is one pervading idea of the Bible. It is a vital bond between the Old Testament and the New. It makes Abraham, Moses, David, Isaiah, and all the worshipers of God in the old time, even when their ethical development was as crude and imperfect as their agriculture or architecture, of one company with John and Paul and the holiest of Christian saints. Christianity has no hope for mankind, whether as individuals or communities, except in the return of mankind to God. It looks on men who stand in no relation of affectionate loyalty to God as wasting their substance in a far country, and summons them

back to the Father's house. Christianity is for sinners. "They that are whole need no physician." He who will think earnestly enough to grasp, in its full reality, the fact of sin, is prepared at least to understand Christianity.

Communion with God is mediated and restored through Jesus Christ. He is sent to save that which was lost. He came not to fulminate a deserved sentence of condemnation; He came not to condemn, but to save the world. His function is to break down walls of separation, the separation of men from each other, the alienation of mankind from God. No work so sublime was ever undertaken on the earth. It is to form a universal society, the bond of which is Love. It is to organize a spiritual community, embracing the race of man, and having its center in Himself; a society to be trained for a future and perfect development of human nature in an immortal state. He who is to effect the reunion of man to God is himself the Son of God as well as the Son of Man. There is a mysterious community of being with the Father, an inscrutable derivation distinct from that of all creaturely existences, of which the human relation of sonship is to finite apprehension the most expressive symbol. There is an incarnation, a great act of self-sacrifice. That nature of the Deity which is called in the technical language of theology the Trinity, is a mysterious truth. That is, it is a truth with regard to which we know *that* it is, also to a certain extent *what* it is, but not *how* it is. We know that a plant grows from the seed; we know *that* it grows, but very imperfectly *how* it grows. We know that bodies attract each other in the inverse ratio of the square of their distances. We know that a result takes place, but not in the least *how* it takes place: "attraction" is a figure of speech. So of the connection of soul and body, and of a thousand other things. So true is it that *omne exit in mysterium.* We may know that two attributes co-exist in an entity, but *how* they do or can we may be ignorant. A mysterious truth may be clear in its practical relations. It is thus with the divine sonship of Christ. Endowed with all human sensibilities, exposed to temptation, He devotes Himself, in obedience to the will of God, to the task of bearing witness for Him, and with an absorbing sympathy to the work of bringing men to repentance. In the prosecution of this work His love to God and man, though always without flaw, is developed, in the experiences of life and of death, to an absolute perfection. On the

cross, he partakes of death, the wages of sin, and through the absolute self-devotion of sympathy attains to such a living apprehension of man's guilt and ill-desert, and of the condemnation of sin felt in the divine mind, that through the cross the communion between Him, and between mankind as represented in Him, and the holy and loving God reaches its consummation. It is a communion in which there is a full, intelligent sanction, on man's side, of the justice of God in the penal allotment of death, and in His righteous displeasure at sin. Thus in Christ, as a center, communion between God and man was restored. In the case of all who enter into the work of Christ with sympathy, which is a work done not for Himself but for his fellow-men, there is a guaranty that pardon will not be mistaken for indulgence. There is a guaranty that from Him will go forth upon those who give up their isolated individuality, and seek for a new life in fellowship with Him, an influence adequate not only to implant and sustain a filial allegiance to God, but to infuse into conscience a sense of His holy anger at sin, as vivid as if they had themselves been visited with the punishment due to their sins. It is not strange if there should be questions respecting the Atonement which neither man nor angel can answer. To say that the Atonement makes God placable is false. "He so loved the world," etc. It is no bribe to an unmerciful judge. It is not a commercial transaction, a price paid for a dispensation of pardon. It is a substitute for punishment, embracing in it certain elements of punishment itself, and doing for the satisfaction of God's own feeling, for the moral order disturbed by the violation of law, and thus for the protection of authority and the prevention of transgressions in the future, a work like that which the infliction of the curse threatened by conscience and the law would fulfill. As to the vicarious feature of the Atonement, its analogies are seen wherever we look,—in families and the succession of generations, in the entailment of evils and blessings, and even in material nature all around us where life springs out of death. "Except a corn of wheat fall into the ground, it abideth alone." The call for an unconditioned absolution, with no correlated work for the manifestation and vindication of justice, is not a call that comes up from the human soul when it is deeply penetrated with a sense of guilt. Criminals, when their consciences have been aroused, and they have been struck with the iniquity of their deeds, have preferred to

suffer the penalty. When a terrible crime is committed, which spreads grief and dismay through a nation, men demand, if the perpetrator was sane and responsible, that the penalty should be inflicted in its full severity. This demand springs not merely or chiefly from a regard for public safety; it is the voice of nature asserting an eternal fitness of things. Who dare say, then, that if sin is remitted, if the transgressor is approached with offers of forgiveness, that there ought not to be a corresponding revelation of the sanctities of justice? Who dare say that the process of reconciliation ought not to include something of the nature of expiation? It is easy to caricature these things. It is easy to paint the righteous anger of God against evil-doing as a personal feeling, a passion, instead of the holy, impersonal sentiment of conscience. It is easy to represent the Atonement as suffering imposed on the innocent One, when it was suffering voluntarily assumed and endured by Him. There is no element in the Atonement which may not be distorted by ignorance or by prejudice. Against all theoretical objections, there is the fact that millions of human beings have found in it a reconciliation to God in which nothing of His fatherly character is obscured, while the perception of the guilt and peril of sin has been increasingly deepened instead of being dulled.

By the moral victory achieved on the cross there was a liberation from death. When sin was expelled from human nature in the person of the Representative of mankind, who thereby stored up in Himself a potency of spiritual life, of holiness and goodness, for the race of which he was the head, or the second Adam, the resurrection was a normal consequence. Set free from the limitations of space and time, while retaining all human sympathies and the fruits of a human experience perfected on the cross, He can act from the spiritual sphere with a more wide-spread efficiency. He is the herald, the type, the author of a perfected humanity. The kingdom of God, in consequence of the glorified form of being which belongs to its Head, attains to its universal form, where there is neither Jew nor Greek, bond nor free, male nor female, and in which neither to Jerusalem nor Mount Gerizim is it needful to resort for the worship of the Father. How sublime is the progress of that kingdom! We can trace it back to the remote age when a single nomad chief, having a living faith in the true God, broke away from his home and kindred, and wandered over the hills of Palestine. We can look on it

many centuries later, when it was threatened with complete destruction by colossal empires on its borders, when its narrow strip of territory was trampled down by their invading armies, when its people were deported in a mass to foreign lands to serve heathen masters, when it seemed on the verge of utter extinction, but when, even in the darkest hours, its prophets proclaimed that it would rise from the dust and would overspread the whole earth. We behold it in the final stage of its development, when the predicted King, with only a handful of Galilean peasants for his followers, declared that against it the powers of Hades—the powers of death and destruction which swallow up everything earthly—should never prevail. We observe the kingdom growing as from a grain of mustard-seed, diffusing its power as leaven hidden in measures of meal, traveling from land to land, supplanting ancient religions, surviving, in full vigor, the rise and fall of nations. We open the New Testament and find that "it breathes in every page boundless hope for the future, together with the charity which is the source of social effort, and with the faith which carries each man beyond the sensual objects of his own short life. And it closes with that splendid vision of the consummation of all Christian effort in the perfect reign of God on earth, from which folly attempts to cast, like an astrologer, the horoscope of nations; but which is in truth the last voice of Christianity, as it passes from the hands of the Apostles and commits itself to the dark and dangerous tide of human affairs, breaking forth in the assurance of final victory." Where, save in Christianity, is there a prospect of a grand and inspiring future for man on earth? Where else is an antidote to the pessimism which creeps into the modern mind when it turns away from Christian Revelation? What is there to kindle enthusiasm in Stoic or Agnostic anticipations of an approaching resolution of all things into chaos, to be followed by new cycles of development in endless and aimless succession? Say not that the kingdom of God is to be explained by a "Semitic genius for monotheism." It is a historical blunder. What was the monotheism of Assyrian, and Babylonian, and Phenician, of the devotee of Baal, of Astarte, of Moloch? And Mohammedanism was the old Abrahamic theism, partly inherited and partly caught up from Judaism and a degenerate Christianity. Hebrew monotheism was no result of mere natural instinct; it won for itself a footing and a permanent life only through arduous

conflict with tendencies to polytheism and idolatry. The native Semitic tendency may be seen in the unspeakable abominations of the Chaldean ritual, which were escaped by Abraham when he left his father, who even then had begun "to worship other gods." The proposed offering up of Isaac was not unlikely the turning-point where he cast behind him the idea of immolating human victims on the altar, one of the horrible features of worship in Babylon and Tyre.

There ought to be no need of contending for the reasonableness of the Christian doctrine of the influence of the Spirit of God upon the human soul. With the idea of a divine influence upon the minds of men heathen antiquity found no difficulty. The analogies of a quickening, elevating, renovating power, superadded to definite instruction, and going forth from person to person, are familiar. Inquiries into the relation of the Spirit's influence to the free agency of the human will are only one branch of a problem which belongs as much to philosophy as to theology. They present no greater embarrassment in the matter of religion than in connection with any other department of human agency. Arguments for fatalism, such as they are, sweep over the entire field of voluntary activity. The consistency of free-will and responsibility with the efficacy of inducements is as capable of vindication when repentance and conversion are the results produced as when it is the building of a house or the marrying of a wife.

The Christian conception of God includes that which is positive in Deism and Pantheism, excluding that which is negative and one-sided. Spinoza, in his affirmations, is not so far wrong, nor is Emerson, in his essay on "The Over-soul." The difference between the Deistic and Pantheistic idea on the one hand, and the Christian idea on the other, is the difference between a hemisphere and a globe. For Christianity, at the same time that it teaches the immanence of God in the world, and His all-pervading energy, likewise holds fast to His transcendence. It saves thus the personality of God and the free activity of man, both of which are essential to religion, religion being the communion of person with person. Christianity, in distinction from the religions and philosophies of heathenism, affirms creation, and denies every species of Dualism, thereby consistently maintaining that God is an absolute being, a being not

depending on anything beyond Himself for the realization of His essential attributes.

It is impossible for the human mind to entertain a more exalted notion of the character of God than Christianity presents in the fore-front of its teaching. God is Love. This is not the assertion of the Apostle John alone. Whoever thinks that Paul did not cherish a similar idea will disabuse his mind of this false impression by reading the thirteenth chapter of the first Epistle to the Corinthians. Such is the teaching of Christ. "The bruised reed He will not break," etc. The mission of Christ is founded on the love and compassion of God toward evil-doers, toward those inimical to Him. The Old Testament Scriptures, in which law and justice are made prominent as a prerequisite in the moral education of man for the Gospel of forgiveness, dwell, also, on the love of God. He is "long-suffering," "plenteous in mercy," feeling toward all who revere Him a father's pity for his children, "forgiving iniquity, transgression, and sin." Nevertheless, throughout the Scriptures, it is a *holy* Love which is predicated of God. Love is of necessity holy. Love infolds in itself hatred. It is impossible to love one thing without hating its moral opposite. He who loves the well-being of men must proportionately hate that which is fatal to man's well-being. He who is benevolent cannot avoid recoiling with abhorrence from malevolence and selfishness. That love of right is spurious the obverse side of which is not the detestation of wrong. The Great Teacher, therefore, in conformity with prophets and apostles, sets forth the righteous anger of God against sin—a displeasure which expresses itself in the divine administration of the world. This aspect of the character of God and of His government is not a proper object for concealment or apology; from beginning to end of the Bible, He is represented as tenderly meeting every penitent, as giving a welcome to the repenting soul like that of the father in the parable to the Prodigal Son who "had wasted his living among harlots." "Though your sins are as scarlet they shall be as white as snow." At the same time, toward the impenitent who persist in trampling on sacred obligations, obligations which bind together the moral system, as gravitation holds together the physical, He presents Himself in the character of a Judge who will "by no means clear the guilty." It is "indignation and wrath, tribulation and anguish, upon every soul of man that doeth evil," but "glory, honor, and

peace to every man that worketh good." Whoever cannot endure this character, whoever wants an indiscriminate lenity or indulgence, or no divine government at all, may as well turn away from Christianity at once. He will not be able to read a page in the New Testament or the Old with any satisfaction. But when Christianity points out the unsparing righteousness of God in the infliction of penal evil, it goes no farther than the observation of the course of things among men warrants us in believing. We see enough to make the Christian doctrine credible. There are laws of character. Habits tend to irreversible permanence. There is a bondage under evil; and self-emancipation, or deliverance by any exterior influences, grows more and more difficult. Choice turns into a chain. Conscience cannot easily shake off the presentiment of retribution to be met with in "the undiscovered country." On this subject, Christianity teaches, in the first place, that it is necessary for any true or blessed life that man should be reconciled and reunited to God. This is a fundamental assertion; Christianity stands or falls with it. In the second place, Christianity teaches that Jesus Christ is the only means to this end, or the only Saviour. It is through Him, or on the foundation of what He does and suffers, that those who have no personal knowledge of Him, in case they are ever brought into relations of conscious peace and fellowship with God, are delivered. The whole family of the redeemed are to stand in connection with Him. Thirdly, Christianity teaches, as a corrollary to the foregoing proposition, that the final rejection of the Saviour by those to whom He is made known, leaves the soul without the hope of salvation. It is a self-evident truth that when there is only one means of salvation, perdition is the consequence of a persevering refusal to avail oneself of it. Such refusal is a voluntary act of self-destruction. Most Christians understand the New Testament to predict that there are those who will thus repel the approaches of mercy and help, and thus bring on themselves an endless doom,—endless from the fixity of habit, and their own irrevocable action, yet not the less penalty, since the law of habit is itself an apparatus not only of reward, but of retribution. There have been some eminent teachers of Christianity in ancient and in modern times who have dissented from the prevailing interpretation of the Scriptures. Some have thought that eventually the attractive power of God's love in the Gospel will overcome all the opposition of the human will, pour light and warmth into

the darkest mind, and bring to pass a universal restoration. Others, especially in later days, have believed that intimations in the New Testament, coupled with observed tendencies of sin, justify the expectation that incorrigible souls will wear themselves out, consume their own powers of rational thought, and perish out of being. But all considerate Christians, be their opinions or doubts what they may, are bound to protest with all energy against any theory of fatalism which would attribute to sin a self-destroying character. The Pantheism which makes moral evil a phase of good, a transient phenomenon that eliminates itself, is in deadly hostility to the essential spirit of the Christian religion. "Woe unto them that call evil good, and good evil." Sin is self-propagating, not self-consuming. He who ventures to indulge the hope of a final recovery of all souls to holiness and to God has no moral right to the Christian name if he founds his hope on any natural necessity, or on aught save the moral operation of motives which exert over the will no coercive agency. Perhaps the day will come when controversy on this subject will be less heated, and when a more chastened curiosity will exist respecting the statistics of the future world in its far remote eons.

As concerns the problem of the theodicy, the difficulty presented to Christian theology is precisely the same as under every other religion or philosophy in which the reality of moral evil is not denied, and in which the Power that rules the world is neither conceived of as finite, or as deficient in benevolence. Physical and moral evil are here. We see and experience them both. They are permitted to be by the Author of the universe. The reasons why they are permitted we are for the most part left to conjecture. Since the masterly discussion of Leibnitz, the objection to the perfection of God from the existence of physical evil or suffering has been more seldom heard. On the supposition that moral evil is to exist, the existence of physical evil, where and when it is found, may be, for aught that anybody can prove to the contrary, beneficent. Moral evil or sin is purely the act of the creature. It is an abuse of freedom. It is overruled in the divine government, and turned into an occasion of multiform benefits which do not issue from its inherent tendencies, and were not designed by the evil-doer. The question why it is allowed to be introduced by the all-foreseeing Deity is among the mysteries of life. But the objection of Epicurus and Hume can-

not logically be urged against the divine omnipotence. It can never be proved that the exclusion of sin in any of the cases where it is suffered to occur, by dint of divine power interfering to prevent it, does not involve an incompatibility in the nature of things. It can never be proved that in a universe composed of rational agents further divine interposition for the exclusion of sin might not necessarily involve a degradation of the system, a diminution of the good to result from it, greater than any advantages consequent on such interference. In other words, the permission, not the causation, of sin on the part of God may be the dictate of supreme wisdom. It is not a Christian philosophy which teaches that two and two may be five on some other planet, or that omnipotence can make a thing to be and not to be simultaneously, or achieve any other impossibilities. As long as this solution of the mystery of evil is a *possible* one, the impeachment of the divine power or goodness has no logical foundation to rest upon. It is a subject on which all but the most presumptuous will be willing to wait for light. Meantime, Christianity stands immeasurably above the ripest heathen philosophy in ascribing sin to the self-determination of the creaturely will, instead of making it the necessary product of matter, or of any germ inherent in the constitution of things.

Protestant Christians hold the Bible to be the sufficient and authoritative rule of faith and conduct. The Scriptures are the umpire in controversies. But it is to the Scriptures collectively taken that these attributes pertain. We cannot open the book of Leviticus, or any other book of the Old Testament, and apply forthwith a precept which falls under the eye to ourselves. We cannot select a verse in a Psalm and adopt it without consideration as a sentiment suitable for a Christian to cherish. The Old Testament Scriptures are not Christian Scriptures. They belong to the earlier stages of Revelation. The criterion to which every utterance, even of the most evangelical prophets, is to be brought is the teaching of Christ and his Apostles. This truth derogates nothing from the proper dignity of the Old Testament Scriptures, nor does it clash with any reasonable idea of Inspiration. It is simply an inference from the progressive character of revelation, on which I have before commented. An illustration resembling one which Whately has somewhere presented may be of service. A father corresponds with an absent

son from his childhood. The earliest of these letters will naturally contain injunctions and counsels adapted to the situation, needs, and temptations peculiar to a boy. He is exhorted, perhaps, to set apart a definite hour for play, and a particular time for writing his letters. He is enjoined to retire to bed at nine o'clock in the evening. Particular regulations are laid down relative to his clothing and his expenses. The letters for a number of years are composed largely of rules of behavior, affectionately yet imperatively urged, and interspersed with that sort of instruction in morals and religion which would be most easily apprehended by an immature mind. At length the son arrives at the stage of manhood, and shows the molding agency of this long-continued guidance. Then the father addresses him as a full-grown man, and communicates to him in one final composition the principles pertaining to life, duty, and man's destiny, which he deems of the highest moment. The son collects all these letters in a volume. They all discover in different degrees his father's character, and throw light on the path of his duty. But he would be a simpleton if he referred to the earliest and latest without discrimination, and confounded the injunctions given to a school-boy with the truths and appeals of that final letter. Rather would he test everything previous by the contents of this last communication. The illustration will mislead if it is understood to imply that the books of the Bible are to be literally described as letters from God to man. The point is simply that the progressive nature of Revelation renders it necessary, as it is natural, to use the New Testament as the touchstone of the relative completeness and the continued validity of all prior Biblical teaching. It requires to be further said that, from this gradually developing nature of Revelation, devotional expressions, current proverbs, and the varied expressions of a religious and ethical character, whether verbal or in the conduct of good men, will bear upon them traces of the limit of the knowledge possessed at different epochs. There is an Old Testament type of piety which is felt in all this literature. "The law was given by Moses, but grace and truth came by Jesus Christ."

The critical study of the Bible, coupled with the general advance of physical and historical investigation, have brought out, in recent times, in more distinct relief what is called the

"human side," or factor, in the Biblical writings. Scholarly criticism tends to the conclusion that there was a growth in Hebrew institutions and laws; that the codes were kept open, the original rubrics being retained; that legislation was added, from time to time, under the guidance of prophets, to suit changing circumstances, new ordinances being looked on as Mosaic for the reason that they were conceived in the spirit and were considered a legitimate development of the primitive enactments. These questions are to be determined before the tribunal of searching and impartial scholarship. But they involve no such peril to the Christian faith as they are often thought to contain. The religion of the Chosen People is all within the covers of the Old Testament. The debate is about the order of stratification. The organic relation of the Old Testament religion to Christianity is a historical fact which stands on indisputable proof, and is altogether independent of these critical inquiries, however important in their place they may be. Of the Scriptures as a whole, it is true that the more they are studied in the light of modern science and learning, the more striking is felt to be the Apostle's declaration: "We have this treasure in earthen vessels, that the power may be of God and not of men." The *power* remains. The treasure is more evident from the homely casket which surrounds it. Traditional formulas relative to Inspiration may undergo modification; they are not an integral element of the Christian religion, but belong to the attempts of scientific thought to define it. The great Protestant principle of the normal authority of the Bible as a teacher of religion and morals remains intact. What Christianity is can be correctly ascertained from the Scriptures, and nowhere else. The marks of inspiration are stamped even on parts of Scripture which precede contemporary authorship and testimony—the one main criterion of historical proof. The attempted "reconciliations" of Genesis and science may not be happy, either as expositions of science or interpretations of literature; but the sublime cosmogony which stands at the threshhold of the Bible, the moment it is contrasted with the ancient Semitic traditions or legends, Assyrian, Babylonian, or Phenician, with which it has features in common, is perceived to be immeasurably elevated above them. How came polytheism and dualism to be excluded here and not elsewhere? How did the pure theism, with its doctrine of a Creator of man in

His own image, of sin as man's free act, of guilt bringing shame, of immorality and crime as flowing from practical atheism,—how did this mass of religious and moral truth, truth recognized throughout the Bible, and at the foundation of the Christian system, *get into* this Hebrew record? Who can fail to see that a Spirit was at work in the Hebrew mind not manifested elsewhere? As the magnet attracts only true metal, so did that mind, when moved by the Spirit of God, take up only those elements of belief which were consonant with the true religion. Books in the Old Testament which are a puzzle to some Christians, and are often a theme of derision, assume an utterly different character when they are considered from what I may call the historico-theological point of view. The Song of Solomon contains—except in one passage (chap. vii. 1–9), which is an interpolation—nothing to which a pure mind can take exception. Instead of being marked by a sensual quality, as has often been asserted, it celebrates the virtue and victory of chaste love and constancy against all enticements. There is not a syllable in the Bible, from Genesis to the Apocrypha, which is adapted to foster impure passion. Those who are fond of contrasting the Old Testament with the New, as if there were a contrariety between them, must find it hard to explain how the Old Testament could have been so cherished by Christ and the Apostles. Why were they not shocked by what we are told is hostile to the spirit of Christianity? It is plain that the drift of the Old Testament is all in the right direction. The book of Jonah—whether it be held that it was meant to be history, or was meant as a parable, like the tale of the Pharisee and the Publican, as many Christian scholars hold—contains a beautiful lesson of Jehovah's pity for the heathen, and affords a foreglimpse of the broader discovery of God's love which is made in the Gospel. It is a rebuke of Jewish narrowness and harshness; it really marks an advance in Revelation. The Proverbs are an anthology of wise sayings by Solomon and other sages, as the Psalms are an anthology of hymns by David and other poets. They are differentiated, as I have said before, from heathen literature: another spirit dwells in them. Only they must be tested by Christianity, which is the complement of all prior revelations.

The Gospel was brought into the world in a way to pour contempt on human pride. There is no pomp of any sort attend-

ing its advent. Humble, unlearned men are chosen for its first teachers. The Lord Himself was in the form of a servant. The New Testament Scriptures are in keeping with the lowly circumstances that invested Christianity at its origin. They, too, from the ordinary point of view of the world, "are without form or comeliness." They are not elaborate compositions. No pains are taken to disarm prejudice, anticipate cavils and objections, frame a case all parts of which are nicely fitted together to defy attack. Attacks are expected. They are predicted. The divine Author of Christianity has rather chosen to leave much in the Christian documents that may easily provoke disesteem and even skepticism. A test is presented of the candor, the earnestness, and, above all, of the real desire to find God, and to obtain forgiveness and peace from Him.

There is room for brief observations on the Ethics of Christianity. It is never to be forgotten that Christianity is in its essence a religion. Its end is a transformation of character. It aims to make man "a new creature" by connecting him with Christ, the herald, the type, and the creative potence of a perfected humanity. It inculcates principles rather than specific statutes for the regulation of conduct. It is sometimes said that the Golden Rule is not peculiar to the Gospel. As found in Isocrates, Confucius, the Rabbis, and in other authors where it is alleged to occur, it appears either in a negative form—"Do not unto others," etc.; or in some restricted application, as to the relation of husbands, fathers, or children. In the Gospel it stands in a form at once affirmative and universal. But even if an equivalent injunction were to be met with elsewhere, it would be more pertinent to show where, save in Christianity, there has been provided an efficient motive and inspiration to its fulfillment. Moreover, this precept is far from being an adequate guide of life, when severed from the Christian truth connected with it. The rule to treat others as we should wish to be treated ourselves, or even as we should think it right for others to treat us, requires as its complement a true idea of man as he ought to be. We must know in what man's well-being consists. What ought we to desire at the hands of others? The Golden Rule is simply to brace men up on the weak side. It is to counteract the bias of self-love, the most prolific source of injustice and unkindness. This is the limit of its function. It is one of those parts of New

Testament teaching which the natural conscience sanctions, if it fails to suggest.

The New Testament insists on general affections. It lays stress on philanthropy, because at that age there was no need to exhort men to patriotism. The tendency was to make love of country the acme of virtuous attainment. But Christianity never disparages particular affections, such as bind men together in families and communities. It simply guards against their exaggeration, and insists on a benevolence as broad as humanity.

It is a narrow and frigid method of interpretation which finds in the Sermon on the Mount a universal prohibition of the use of force. The precept of non-resistance is like that—which is a branch of it—enjoining that if a man is sued for his coat he is to give, unasked, his cloak also. In all such precepts, the thing forbidden is malice and revenge. The thing commanded, as the main reliance for the overcoming of evil, is the practice of forbearance and kindness. But the state, as an organization of force, existing by divine authority for the maintenance of justice, is sanctioned by Christ and the Apostles. Nor does the spirit of Christianity forbid the use of force for ends consonant with those for which the civil authority is established. The limit to the duty of civil obedience is where human law is in direct conflict with the divine. Then a Christian is to obey God rather than man. To conclude that there is an obligation of passive obedience in all conceivable cases, and no right of revolution, is an unwarrantable inference from injunctions given at a time when armed resistance to tyranny would have been a suicidal folly, and directed to those charged with a special mission to found, by persuasion and by patient suffering, the new kingdom of God among men.

9. The relation of Christianity to ethnic religions and to philosophy among the heathen is not that of unqualified repugnance. The "wild-growing religions," as Schelling calls them, may have in them important elements of truth. These are found in their right place in the Christian system. In one religion, the teaching of Buddha, there is an impressive inculcation of sympathy and philanthropy. It is linked with a gloomy metaphysic which places the highest hope of the soul in the annihilation of personal being. That system, in its proper con-

sequences, is fatal to responsibility as well as to hope. All that is good in Buddhism is found in the Gospel, without its dismal accompaniment of atheism and the drowning of personality in a fathomless ocean of being. How infinitely richer is the good offered to the wretched victims of caste in the invitation of Jesus, "Come unto me, all ye that labor and are heavy-laden, and I will give you rest"—words which Augustine says he had never found in Plato, high as he rated the charms of that prince of philosophers. Whatever in Greek philosophy or the uninspired sages of other peoples is true to human nature, Christianity welcomes as congenial with itself, and knows how to assimilate. Orthodox fathers of the ancient church did not hesitate to say that rays of light from above had fallen into the minds of Socrates and other masters of wisdom, who rose into a higher atmosphere than was breathed by the generations among whom their lot was cast —men of whom it might be said that heathen society "was not worthy." Stoicism yearned for a universal polity. As the ancient states, one after another, fell to pieces, there were those who aspired after a broader and permanent bond of union. Cicero, in a strain caught from those teachers, discourses of a universal "commonwealth" of gods and men. These were aspirations which could never be realized on the soil of heathen antiquity. They were dreams awaiting a fulfillment. They were unconscious prophecies of the brotherhood of mankind, secured in the fellowship of Jesus Christ, and of the Church, opening its doors to every nation and every rank.

It is, likewise, a part of the genius of Christianity to foster within its due limit every genuine expression of human nature, to encourage the development of the human mind, and the promotion of human welfare in all directions. Christianity seeks to mold society according to justice and love. It seeks to infuse into government and legislation the spirit of equity. It favors education and culture, because it values the human soul infinitely above every exterior good. It is friendly to art, for the love of beauty is allied to the love of goodness. Whatever inventions and discoveries lighten the burden of labor, minister to the healing of the sick, and heighten the comforts of daily existence, are welcomed by the followers of Him who went about doing good. Christianity is not an ascetic system. The kingdom of God on earth is not a ghostly community, busied exclu-

sively with religious exercises. It is humanity developed, trained, perfected on every side. Christian virtue is no "fugitive and cloistered virtue." "Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report," Christians are exhorted to pay regard to. The comprehensive command of Christ is, "Be ye perfect." Perfection is reached in the disciple as in Christ, not by "minding his own things," but "the things of others." To live and labor for the world, without worldliness—that is, subordinating all material good to that which is spiritual, and walking by faith in things not seen—is a Christian's work.

Let a thoughtful man contemplate the prospects of mankind on the supposition that the Christian faith is to pass away. Civilization advances. Human science goes forward as far as it can in alleviating bodily pain. Provisions for living comfortably are multiplied in a degree at present incalculable, and are diffused abroad. Knowledge increases more and more. Wars come to an end. Governments become equitable and beneficent. Manners take on a finer quality. Conceive that such a progress of mankind is possible, apart from the purifying and restraining influence of religion—an expectation for which neither human nature nor experience affords the slightest warrant—what then? Are men who are thus advanced in the intellectual scale and in the affections of the heart to be satisfied with a merely mundane existence? Can they content themselves to live in this way, with no wider horizon, and then to pass out of being? Will they find a sufficient stimulus to labor for their race in the mere hope of rendering the earth a more comfortable abode for tenants who in swift succession rise into being and sink into the grave, as flowers blossom and the next day fall from their stems? The further civilization advances, were a sure advance practicable without the inspiration and the safeguards of religion, the more intolerable human life would become. Man would be less happy than the animals. The brutes have no thoughts or imaginations above the necessities of the hour; but man, with a nature too large to be satisfied with earthly good, is cut off from anything higher. The dignity of life, and its joy not less, are gone when there are no ties connecting this brief existence with a world unseen.

I have spoken of Christianity, making no attempt to confute Atheism. It is no part of my plan to set forth the evidences of the being of God. He reveals Himself in the constitution of the human soul, a free intelligence, which cannot explain itself to itself by any material causes among which freedom has no place and intelligence does not exist. He reveals Himself in conscience, through which an imperative law is imposed on us, which is superior to the human will and independent of it. He reveals Himself in the order and design which render science possible, and which bring home to the unperverted mind the conviction that the world is framed and sustained by an intelligent Creator. He reveals Himself in the course of history, in the working out of ends by the concurrence of numberless instruments, neither of whom comprehends the plan which he takes part in executing, and in the traces of a righteous government which, amid all the confusion of human affairs, are clearly discerned, and which excite a rational presentiment of a more complete manifestation of justice hereafter. Nothing can be more irrational than criticism of the justice and goodness of the First Cause of all things; for that there is a First Cause few reasoners are so unphilosophical as to call in question. The Author of the universe is the author of the human faculties by which we judge of truth and falsehood, of good and evil. If He is not righteous, what reason have we to trust the faculties which he has given us? What ground have we to rely on any conclusion; and if not on any conclusion, how can we put confidence in impressions that we may have in regard to the Creator's attributes? Faith in God is the presupposition of faith in our own intellectual processes.

In the foregoing discussion I have endeavored to state the opinions of Christians correctly, wherever I have professed to refer to general or prevailing beliefs. In other cases I have expressed frankly my personal convictions. Christianity is the peculiar property of no individual and of no single sect. Whoever defends it or assails it has no right to confound peculiarities of doctrine found here or there among Christians, or even widely prevalent, with the catholic faith, or that great substance of belief, which Christians generally unite in cherishing. I have passed in rapid review a series of topics, to either of which a volume might well be devoted. If the effect is to give to any dis-

believer or doubter a more enlightened conception of the Religion of Christ, and to diminish prejudices which often spring from incorrect teaching, I shall feel that I have not written in vain. Should any one be moved to contradict statements in the preceding article, I shall not, partly for the reasons stated at the outset, feel obliged to make reply. I have no fear that candid readers will infer from my silence that the propositions which have been stated above admit of no further defense.

GEORGE P. FISHER.

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Tros Tyriusque mihi nullo discrimine agetur.

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ART. PAGE.

I. THE CONDUCT OF THE GUITEAU TRIAL. By GEORGE F. EDMUNDS, United States Senator. . . . 221

II. THE PROGRESS OF THE FRENCH REPUBLIC. By EDWARD F. NOYES, LL. D. 232

III. TRIAL BY JURY. By Judge EDWARD A. THOMAS. . 244

IV. THE TRUE LESSON OF PROTESTANTISM. By JOHN FISKE. 259

V. LAW FOR THE INDIANS. By WILLIAM JUSTIN HARSHA. 272

VI. THE FALLACIES OF HOMEOPATHY. By Professor A. B. PALMER. 293

VII. RESULTS OF PROHIBITORY LEGISLATION. By NEAL DOW. 315

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THE CONDUCT OF THE GUITEAU TRIAL.

THE assassination of the chief magistrate of the nation, without any provocation, and without any motive that intelligent minds can view in any other light than of the utter and reckless depravity of the culprit, or his insanity, has naturally made the trial of Guiteau a *cause célèbre* in the annals of jurisprudence. Every step and incident in the trial has been reported and exposed, from day to day, to the perusal and comment of the people in every country in which newspapers exist. Much has been stated concerning the conduct of the eminent judge who presided at the trial that had no foundation in fact, and many of the incidents of the trial which have tended to rob it of the austere and solemn dignity suitable to such an occasion have been greatly exaggerated. Some portion of the press of this and other countries, distant from the scene, have caught the infection of exaggeration, and, magnifying and distorting occurrences sufficiently unpleasant in themselves, have derided the whole progress of the trial, as bearing the character of a low and disgraceful farce. But, denuded of all fictitious reports, and of all exaggerations designed, like theatrical colorings, to feed and sharpen the appetite for ridicule and sensation, there was more than enough of what was really derogatory to the due and dignified administration of justice to demand an inquiry how such scenes can be prevented in a trial for felony, if they can be prevented at all.

From day to day, in a trial that lasted for many weeks, the prisoner, by insolence and contempt toward the Court, by impudent interruptions of counsel, by ribald and vulgar epithets, and infinite and irrepressible garrulity, taxed the endurance of the Court and jury to the uttermost, greatly prolonging the trial and lowering, so far as such conduct under such circumstances could, the character of one of the greatest of judicial proceedings, and doubtless producing in the public mind something of contempt for one of the most essential and interesting of all processes of good government, namely, the calm and orderly administration of justice.

But American pride may, perhaps, find some solace for its mortification in the fact that occurrences of this nature have sometimes happened in the courts of other civilized countries. In Mr. Craik's report of the trial, in England, of Colonel Turner, for burglary (1664), it is stated that "the judge with his indecent wipes and the prisoner with his irrepressible impudence were well matched." A perusal of the report, we think, fairly justifies the conclusion of the reporter. In the trial of Sir Nicholas Throckmorton, in the same country, for treason, there was a constant war of epithet and accusation between the prisoner and the prosecuting counsel and the judge, but no step was, or apparently could be, taken to prevent it without stopping the trial, although the judges threatened to deal with the prisoner—without saying how—if he persisted. He did persist, and got a just verdict of acquittal, for which the judges revenged themselves upon the jury by putting *them* in prison!

In the great state trial of the Earls of Essex and Southampton before the English lords, barons, and judges, in which Sir Edward Coke and Francis Bacon—afterward the famous Lord-Chancellor—were counsel for the prosecution, running observations the reverse of complimentary were interchanged between some of the lords and the prisoners. Essex accused Coke of being a perjured liar, Bacon of being a hypocrite and time-server; and when Sir Walter Raleigh was sworn as a witness, asked: "What booteth it to swear the fox?" Once the lord high steward attempted to stop what he called these "expostulations," but without success. The French embassador at the court of St. James, who was an eye-witness of the trial, in writing to a member of his own Government, and speaking of its final scenes, says: "Shortly afterwards, the counsel ended

their pleadings, and the peers their biscuits and beer. For while the earls and the counsel were pleading, my lords *guzzled* as if they had not eaten for a fortnight, smoking also plenty of tobacco. Then they went into a room to give their voices; and there, stupid with eating, and drunk with smoking, they condemned the two earls."

More recent trials, in which the brazen vulgarity and buffoonery of the prisoners gave the scene the appearance of a light comedy, or in which the bias and bad temper of the judge and the insolence of the counsel struggled for the mastery (as in the criminal trial of the Tichborne claimant), could be brought to light, were the bad features of the trial we are discussing to be made better by such comparisons, but they are not. If the Court in this instance failed to secure order and decorum in the trial, through a mistaken notion of its power and duty (and this is the head and front of its offending, if it has offended at all), the answer of "*tu quoque*" to its critics, foreign or domestic, will not excuse it to that public sense which demands of courts of justice that they shall be objects of awe and fear to the guilty, and of reverence and hope to the innocent.

The administration of justice—which is the application of the law to ascertained facts—will not, in general, be successful in the best degree when the halls of justice become places of disorder, cross-talk, taunts, and quarrels, or of those displays of buffoonery and coarse wit that are supposed to make third-class theaters popular. In such an atmosphere there is danger that judges, jurors, witnesses, and counsel may forget that for the truth and uprightness of their conduct of the cause they have invoked the help, and, if they deserve it, the vengeance, of the Most High.

Few things can be more essential to the welfare of a people whose rights are secured and regulated by law than the dignity and intelligence of its administration, and nothing is more clear than that public confidence, respect, and reverence for the tribunals of justice cannot be lost without incalculable injury, even if such tribunals are in truth learned and pure. Order, dignity, and solemnity, particularly in criminal trials, are among the most influential of the causes that command public respect, and they, therefore, ought to be practiced and insisted upon to the uttermost possible extent consistent with the fundamental securities for freedom and fair play in the defense of persons accused

of crime. All this, doubtless, most intelligent persons will concur in agreeing to at once. They naturally, then, inquire why it is that in this great trial so much that was other than orderly, dignified, and solemn has happened without being prevented or punished by the presiding judge.

In considering this question, we must remember that the most of what was unseemly came from the accused himself.

It has been a cardinal doctrine in countries in which the right of self-defense against criminal accusations, for the security of life and liberty, has been recognized, that the accused cannot be tried or condemned without his personal presence, or without having actually answered the charge made against him. So, under the earlier common law, if the accused refused to plead, no further step could be taken in his trial, and he was put to torture to compel him to say whether he was guilty or not. Later, a more humane provision took the place of this, in treating a refusal to plead as a plea of not guilty, and proceeding with the trial. In our own Constitution it was provided, in Article 6 of the amendments, that:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Under this provision, it is obvious that the trial of no person accused of high crime (to say nothing of others) can lawfully go on without his personal presence, and that he cannot be deprived of the right of speaking in his own defense. Counsel are merely the agents and assistants of their client, and if he chooses to speak for himself, their functions are for the moment suspended. It is well for liberty and innocence that this is so, for if we once admit that a trial can go forward either in the absence of the accused or when he is denied the right of self-defense, one of the greatest safeguards against malice, tyranny, and oppression is destroyed, and in evil times the power either to proceed without the presence of the accused, or to send him out of court for any cause, or gag, or otherwise keep him silent, might be used so as to pervert the courts of justice into engines of the most wicked

and dreadful tyranny and oppression. Consistently with the free exercise of these rights, there exists the plain power of the Court to regulate the order of its proceedings; to determine the number of counsel who may speak; how many speeches may be made on each side; and to fix limits of time, etc. Thus, if only two speeches on a side are allowed, and the accused insists upon addressing the jury, for instance, in his own behalf, it is competent for the Court to count that as one of the limited number of speeches allowed, and put the prisoner to his election whether he will speak for himself with one counsel, or allow both his counsel to speak for him, and keep silent himself.

The constitutional provision we have quoted was the outgrowth of the experience of history, and it was designed to put it beyond the power of either the executive, the legislative, or the judicial bodies of the country to exercise any discretion upon the subject. When, in times of peace and good government, a case of gross crime occurs, we are quite too apt to be impatient of the restraints and securities thrown by law around the administration of justice, and cry out for speedy justice regardless of forms and methods, forgetting that the righteous indignation of to-day may be, and too often is, the wild prejudice of the mob or the corrupt or bold act of the tyranny of to-morrow, and that a just public opinion in one case, if allowed to have sway, becomes the facile and fatal precedent and temptation for the grossest injustice in another. To depart, therefore, even in what seems the plainest case, from the systematic and orderly procedure of the law on account of our unanimous belief in the enormity of the offense, in order to accomplish a quick retribution for a great crime, is only, in principle and in fact, the resort to popular opinion as the test of crime and punishment in a particular case, and to stand really upon the same ground — only different in degree — as those who, in the case of Guiteau, have attempted to take his life by private violence. Does any one wish to go back to the institutions, if they can be called such, of five hundred years ago, when the tenure of every man's life and property depended upon the popular temper of the hour, or upon the mere will of a king or magistrate? Surely not. Then we must, with patience, bear the law and follow the law at whatever sacrifice of our opinions of its operation in a particular case.

Assuming Guiteau to have been sane, what could have been lawfully done by the Court to compel him to conduct himself

during the trial in a decent and orderly manner? The power of courts to punish contempts (and disorderly conduct is contempt) by parties, witnesses, counsel, and audience is undoubted, but "cruel and unusual punishments" are forbidden. Fine and imprisonment, therefore, would seem to be the only punishment for contempt of court. If, then, a prisoner like Guiteau, in a capital case, be sentenced to imprisonment for contempt, what is to become of the trial? Is it to be adjourned for a week, or a month, or a year, until the sentence shall have been executed? If so, would not most prisoners who thought themselves in danger of the gallows apply themselves with persistent diligence to misconduct in court, in order to go to prison for it, and thereby postpone the greater condemnation? Meantime, the jury must be kept together, and substantially imprisoned themselves, or the trial must be abandoned, at the risk of a plea by the prisoner, when it should commence again, that he had already been once put in jeopardy for the same offense. It must be apparent to every person of ordinary understanding that such a criminal trial cannot, practically, be delayed or abandoned in order to punish contempts. It must proceed to its regular end, however disagreeable the incidents of its course may be.

If such a trial could lawfully go on while the accused was lying in jail (perhaps during the whole trial) for supposed and adjudged contempt, of course the trial could flow peacefully on, and reach an early conclusion, but the right of rights of the accused to be confronted with his accusers and the witnesses, and to be heard in his own defense, is denied. True, it has once (and perhaps oftener) been said that the prisoner who misbehaves in court by violent disturbance *waives* this right. To say that he *forfeits* it, would be a more accurate expression, for the nature of a waiver is voluntary, and in such cases as these, the accused does not say, "I dispense with my right to attend the trial and confront the witnesses, and assent to spending the time in jail"; he says, on the contrary, that he *insists* on being present and being heard. If such conduct were naturally a waiver or a forfeiture of these rights, it is not easy to see how constitutional and intrinsic rights of this character can be waived or forfeited consistently with the cardinal objects of the Constitution itself. If he can create a waiver by implication drawn from misconduct, he can certainly waive his rights directly and without misconduct. Can he waive a trial by a jury

of twelve men, and consent to a trial by six or one, or by the Court? Can he waive an indictment, and consent to go to trial on the accusation of the prosecuting officer alone? And a constitutional right cannot be forfeited. If he could so waive or forfeit his rights, the question whether he has in fact done so must, in the nature of things, be determined by the opinion of the judge, and so, all these sanctions for life and liberty that have sprung from dear experience, and have become imbedded in English and American jurisprudence, depend practically upon the will of the judge only! If this be true, the accused, in a capital case, can be delivered or put to death with or without the proceeding the law commands, according as the judge may think the proprieties of the case warrant. No Roman tyrant ever claimed a greater power, and the Inquisition never exercised one more arbitrary or dangerous. The forms and securities of the law must be applied in the trial of the greatest criminals as rigidly as in that of the most innocent citizen. We cannot decide in advance which is the guilty and which is the innocent; if we could, there would be no need of courts of justice at all. Is it not far better, then, to bear the evils of disorderly behavior by those on trial for crime, than to recognize any power in a judge to banish the accused from the court and proceed without him, or close his mouth against the utterance of evil words? It is, no doubt, true that the judge has the power to punish such contempts by a sentence not cruel and unusual, to be executed during the daily recess of the court, such, for example, as solitary confinement, etc., from the adjournment of the court to its next opening; and, in most cases, such a course would be likely, if steadily followed up, to stop the misconduct. It would seem to be clear, also, that if a prisoner on trial should resort to physical violence, he could be physically restrained as much as if he attempted to run away. But suppose he only makes a disturbance with his voice, is he to be gagged? The accused has the right to make a defense, and this is a right that belongs to him personally. He need not exercise that right, for it is plain he may plead guilty, or stand absolutely mute; but the question is, can he be deprived of this right as a punishment for contempt of court? Could the legislature of a single State be persuaded to declare by law that the right of self-defense by one's own mouth against a criminal charge should in any instance depend upon the opin-

ion of a judge as to the conduct of the accused? And if the prisoner is gagged, for how long is it to be? Until the most critical part of the trial is passed?

It will be seen from these few queries and suggestions, out of many that could be made, that the whole matter is one of opposing considerations. On one side are the great and fundamental securities of life and liberty for all men and all cases. On the other are the convenience and importance of decency, order, and dignity in the administration of justice. In such cases as we have in view, one or the other of these must, to a greater or less degree, give way. Which, on the whole, should it be? It seems to us that the path of safety lies in holding fast to the first. To do otherwise might, in troublous times, make our system of criminal procedure substantially like that of France and other countries of Continental Europe (or what they used to be), and subject innocent persons who are obnoxious to the Government to a trial in which they cannot be heard, or to condemnation in their absence.

When in criminal trials insanity is set up as a defense, dealing with disorderly conduct of the prisoner consistently with the fair and even-handed course of justice would, even if the field of discretion were open to the judge in any case, be much more embarrassing. The presence of the accused and the allowance of free scope to his speech might be of the greatest value in determining whether he was really insane or was feigning. If insane, he could not be guilty of a contempt of court, and of course could not be lawfully punished for his disorderly conduct. Sentence to punishment for contempt, therefore, would, so far as the judge was concerned, prejudge the very question at issue; and to treat the accused as a madman would be equally bad, and tend to accomplish the object of the defense. Hence any action of the Court in such a case beyond restraining physical violence would seem to require the adoption of one of two opposing hypotheses, either of which, if carried to its logical result, should end the case The fact that the prisoner insisted on his own sanity would not relieve the embarrassment, for really crazy men do that very frequently.

From whatever point of view, then, we examine the course of the late trial of Guiteau, the difficulties, both practical and theoretical, in dealing with the prisoner's violence and unseemliness of speech are seen to be great; and the more we reflect upon the

subject the less disposed we shall be to condemn the failure or omission of the judge presiding at the trial to cause the prisoner to be either chained, whipped, gagged, or removed from the presence of the jury and witnesses during any part of the trial. Possibly a commitment to solitary confinement during a recess, as punishment if sane, and as discipline if not sane, might be lawful. The counsel, the right to whom the Constitution secured him, were not his substitutes. They were, in the language of the Constitution, to give him "assistance," and their presence would not deprive him of the right existing before the Constitution to speak in his own defense, subject to the limitations we have already mentioned; and it is of infinitely greater consequence to the safety of society that such rights should be preserved unconditionally than that there should be no insolent disorder or wicked speeches by a person accused of a great crime.

Long experience has shown that instances of evil or constant speaking by a prisoner on trial, of a really serious and obstructive nature, are very rare, and they have never defeated, though they have sometimes obstructed, the course of justice.

That it was fully within the competence of the Court in this late case, as it is in all other cases, to compel absolute decorum in the conduct of the persons attending the trial, is beyond all question, and we think it is to be regretted that this was not done to a greater degree than appears to have been the case. If, after a reasonable warning, the Court had made one or two examples of persons guilty of disorderly or indecorous behavior, by sentencing them to proper imprisonment for contempt, all demonstrations on the part of the audience would doubtless have ceased, and the public would have been taught the valuable lesson that courts of justice are not theaters, where the acting is to be applauded or condemned, as it may strike the various tempers of the beholders.

Nothing is more deeply interesting to a people, or more intimately connected with their welfare, than their penal codes and their procedure in criminal cases. It may be said, with substantial accuracy, that where the criminal laws of a country are anything like humane and complete, and when they are administered fairly, all civil and social rights are in general secured. When crimes are carefully defined and punishments fixed with precision, and with adequate relation to the degrees of the enormity of the offenses, property—including the rights of labor as

well as of accumulated capital—is secure, contracts are enforced, progress is developed, and intelligence prevails. But the converse of this does not appear to be true. The Roman civil law was carried to a high degree of philosophical and practical perfection, while the Roman criminal law and its administration continued to be, in many aspects, simply atrocious; and the same was, to a considerable extent, true of the systems of Continental Europe and even of the common law of Great Britain in its earlier history. A large and dangerous proportion of all offenses was drawn into the fatal vortex of treason, and while the ruler, or, in republican times, the assemblies of the people, by whatever name they were called, were the tribunals, the safety of those who were the objects of dislike or prejudice was at all times precarious. Every reader of history knows how tremendous and fearful were these engines of oppression; and, indeed, those accused of offenses otherwise classified stood little chance of that free, open, and deliberate justice that is now the chief glory of the most highly civilized countries. The often quoted passage in Tertullian: "If the Tiber overflow its banks; if there be a famine or a plague; if there be a cold, a dry, or a scorching season; if any public calamity overtake us; the universal cry of the populace is, 'To the lions with the Christians,'" illustrates, not only for Rome but for all countries, the insecurity of society when the criminal laws are not based upon precise and solid foundations, or when criminal procedure is not placed above the discretion of both the ruler and the judge, and beyond the immediate reach of the fluctuations of public opinion.

Happily, in our own country, treason is declared in the Constitution to consist only in levying war against the United States, or in adhering to their enemies, giving them aid and comfort. Codes in regard to crimes are established by written law, and just and deliberate procedure is made applicable to all alike. All this, founded upon our knowledge of the terrible evils of looser systems, is not brought into play for the protection of criminals, but as the indispensable shield of innocence. It is to withdraw the question of the existence of guilt, alike from the influences of the tyranny and corruption of rulers and from the tumults and passions of the people. This is all that human agencies can do in these respects for good government. And if sometimes by means of it the guilty escape punishment, it almost always operates for the preservation of the innocent. And if it

occasionally happens that the immunities of those charged with crime are abused to the extent of disturbing our sense of what is decorous in the administration of justice, there is no reason that the infinite benefits of our constitutional system should be jeopardized by even the least appearance of an invasion of fundamental rights, for, as Dr. Lieber says: "One of the main ingredients of civil liberty, and at the same time one of its greatest blessings, is the protection against individual passion, violence, views, opinions, caprice, or well-meant but disturbing interference—the supremacy of law."

GEORGE F. EDMUNDS.

THE PROGRESS OF THE FRENCH REPUBLIC.

FRANCE and the United States are by common consent to-day regarded as the two most prosperous countries on the face of the earth. As the French and American people have many patriotic associations and traditions in common, and as their institutions are, in the main, very much alike, it is but natural that each should be interested in whatever concerns the condition and welfare of the other. Just at this time, when the real governing power of France has been called to a position of responsibility, in the person of M. Gambetta, there seems to be a special desire, on this side the ocean, to know whether or not the French Republic is definitively established, with the prospect of permanency.

I have thought that possibly a somewhat detailed statement of the progress of the French people toward republican ideas and popular government, since the Franco-Prussian war of 1870, might be interesting to some readers.

At the fall of the Empire, it is certain that the popular sentiment of France was anti-republican. Only two months before the declaration of war,—May 8, 1870,—a plebiscite gave the following result:

For the Imperial Government	7,350,142
Against	1,538,825

In the Chamber of Deputies which voted the declaration of war,—a body which had been elected in a time of profound peace and perfect quiet, and without conspicuous Government pressure,—the opposition to the Empire, republican and otherwise, constituted only a small minority. At that time there was no reason to doubt that the Emperor was firmly seated upon his throne, and that his son, the Prince Imperial, would be his heir and successor. But a madness, not unlike that which led the great

Napoleon, to his ruin, seems to have taken possession of the imperial nephew. A pretext for war was found, and as the event proved, the very existence of the Empire was staked upon the hazard of battle, at a time when the French army was in no way, by reason of its numbers or its discipline, prepared to contend with the well-drilled and ably commanded legions of Germany. The first disasters of the war staggered and stunned the Imperial party; the catastrophe of Sedan put an end to it forever, as a permanent controlling power in the land. Had the French army been successful, there would have been no French Republic to-day.

The revolution of September 4, 1870, was the work of the Republicans, as at that time they alone had an organization in Paris. Had this party been in a condition to retrieve promptly the ill-fortune of the Emperor and his army, the progress of republicanism would have been rapid. But military disasters continued; the prestige of the new party was destroyed for the time; when the National Assembly of 1871 met to decide the question of peace or war, the old monarchical spirit of France had regained its influence over a majority of the hearts and minds of the people.

The Assembly met at Bordeaux, on the 12th of February. All the parties were represented in that body. The Republican group was the largest, but the Legitimists, the Orleanists, the Bonapartists, the Clericals, and the Conservatives of all shades had the majority.

M. Thiers, who had with great energy opposed the war from the beginning, naturally became the leading spirit of this Assembly, and was chosen chief executive February 17, 1871.

The Assembly had been elected with no definite powers, and for no determinate time, but with the special mission of deciding for the continuance of war or for making peace. At first, it seemed disposed to confine itself to that object alone, and M. Thiers declared from the tribune that the question of a constitution would not be touched, and that his government would remain neutral between all parties.

But gradually the Assembly, which was conscious of its power, assumed all authority, and the monarchical spirit by which it was animated displayed itself broadly.

M. Thiers, seeing clearly that the republican idea was making headway in the country, and among the masses, drew nearer

to the republican side. From this moment, counter political currents were everywhere seen,—one Republican, comparatively weak in the Assembly, but constantly gaining strength in the country,—the other Monarchical, strong in the Assembly, but impotent for controlling results.

Important events followed each other in rapid succession. In July and August, 1871, the Republicans were successful in the municipal elections, and in the partial election to fill vacancies in the Chamber of Deputies. The Monarchists were alarmed, and opened negotiations for the fusion of the two branches of the Bourbon family. In December, 1871, the Orleans Princes entered the Assembly, and in February, 1872, M. Rouher became leader of the Bonapartists. In June, 1872, in another partial election for members of the Chamber, the Republicans were again successful. Shortly after, a delegation of the Right waited upon M. Thiers, and represented to him the absolute necessity of giving the Monarchists and Conservatives a larger share in the administration of the Government. M. Thiers made polite excuses, and delayed action to gain time. On the 13th of December, 1872, he promulgated a message, in which he stated that the republican idea, after having been a source of trouble, was entering deeper and deeper into the hearts and minds of the people, and he suggested the permanent establishment of republican institutions. In the stormy sittings of the Assembly which followed this message, M. Thiers declared, with great emphasis, that henceforth a monarchy in France was impossible, and he defied the Right to establish one. November 29th, a proposition was made for the establishment of a Conservative government, which should oppose the alarming tendency of the time. The Government carried the day by only twenty-seven majority, and at the close of the year 1872, while the Republicans were still in power, the members of the Right were bold and determined. On the 5th of December, 1872, the Monarchists appointed a committee of thirty, to consider the question of the organization of a government, and on March 13, 1873, this committee reported a proposition to close the tribune of the Assembly to M. Thiers, which was carried by a vote of four hundred and seven to two hundred and twenty-five. On the 4th of April, M. Buffet, the leader of the Monarchists, was chosen President of the Assembly, by a vote of three hundred and four to two hundred and eighty-five, in place of M. Grévy, who had resigned. At the election to fill

vacancies in the Chamber, in April and May, the Republicans carried a majority, whereupon the Right, becoming more alarmed, effected a coalition between the Legitimists, Orleanists, and Bonapartists. May 20th, M. Buffet was reëlected President of the Assembly by three hundred and fifty-nine to two hundred and eighty-nine. The coalition then interpellated the Government upon its policy, and as to the necessity of defending society against its enemies. On the 24th of May, an order of the day censuring M. Thiers was voted by three hundred and sixty against three hundred and forty-four, whereupon he tendered his resignation, and Marshal MacMahon was elected to his place by three hundred and ninety votes. May 25, 1873, was constituted the first cabinet of the Marshal, known as the M. de Broglie cabinet. In August, 1873, the Orleans Princes made formal submission to the Count de Chambord, and at a meeting of the leaders of the Right, it was decided to establish the monarchy, the Marshal having caused it to be known that he would not interfere with, but would obey, the will of the Assembly. On the 27th of October, however, was published the famous letter of Count de Chambord, announcing that he would never so far reconcile himself to the Revolution as to recognize its tricolored flag. This letter produced consternation in the ranks of the Monarchists, as they knew it would be impossible to induce the country to accept and adopt the white flag of the Legitimist party. All their efforts were paralyzed. The proud and chivalric Prince, who had come secretly to Versailles to take possession of the Government, after he should have been proclaimed king by the Assembly, was compelled to retire discomfited, and to bid farewell forever to all hope of attaining the throne of his ancestors.

As it was impossible for the Right to agree upon any definitive monarchical government, a provisional arrangement was made for a government, republican in form, but really monarchical, without being hereditary. November 20, 1873, the Septennate was agreed to, which gave power to the Marshal for seven years. November 30th, a committee of thirty—containing but two Republicans—was appointed to consider and report upon the constitutional laws. At the end of the year 1873, the coalition seemed to have complete control of the Assembly.

At the beginning of the year 1874, serious differences existing between the Legitimists and Orleanists, and many Repub-

lican office-holders, by reason of inexperience, having proved incompetent for their duties, the Bonapartists seemed to be gaining in strength and influence. In June, the motion of the Marquis de la Roche-Jacquelin, to reëstablish the monarchy, was voted down by a large majority. On the 30th of November following, at the new session, the pressure of public opinion compelled the Assembly to consider the question of the constitutional laws. The moderate members of the Right felt that something must be done, but the extreme Monarchists and the Bonapartists were unwilling to yield anything. In January, 1875, the intrigues of the Bonapartist party compelled a union of the Center Right and Center Left,—the moderate Monarchists and Republicans,—and this group took the lead of the Assembly. On the 30th of January, 1875, a member of the Right Center moved that the Republic be declared the Government of France. This motion was carried by a majority of *one single vote.* February 25th, the constitutional laws were adopted, organizing France into a Republic, with two Chambers, and a President, chosen by them in congress assembled, for seven years. December 30, 1875, the Assembly pronounced its own dissolution, after having elected seventy-five life senators, among whom were a large number of leading Republicans, that party having formed a coalition with the Legitimists against the Orleanists and Bonapartists.

The general election of February, 1876, resulted in giving a good working majority to the Republicans. In March a Republican cabinet was formed, with M. Dufaure at its head. This cabinet was eminently conservative, but continued in power only a short time, and fell in consequence of its opposition to the amnesty measures, upon which question it was defeated in both houses. In December the Jules Simon ministry was constituted, less conservative than the former, but conciliatory. Marshal MacMahon, acting under influences hostile to the Republic, and notably under the inspiration of the Duke de Broglie, put himself in opposition to his cabinet. On the 16th of May, 1877, M. Simon and his colleagues resigned, and on the following day the Broglie-Fourtou ministry was organized. This cabinet was very far from representing the sentiments of the majority. Three hundred and sixty-three Republican members issued a manifesto denouncing the policy and tendency of the administration, and subsequently voted a severe order of the day against

the Government. The cabinet resisted, and asked the Senate to consent to a dissolution of the Assembly, which was agreed to, and the Assembly was dissolved June 25, 1877. The general election in October following resulted in the return of every one of the three hundred and sixty-three, and in an increased Republican majority. The cabinet then resigned, and a business ministry was formed for the moment. In the meantime, rumors were everywhere current that a *coup d'état* was in contemplation. How far such a project was matured and agreed upon will, perhaps, never be known. But, at all events, the Marshal yielded at last to the sentiment of the country, and called to his assistance moderate Republicans of standing and influence. For the second time, M. Dufaure was invited to form a cabinet. He had been a life-long Monarchist, but, like M. Thiers and Barthélemy St. Hilaire, had been won over to the Republican faith, and he now took a decided stand with the majority. M. Waddington was called to the Ministry for Foreign Affairs. In January, 1878, many changes were made in the home and diplomatic service. Out of two hundred and seventy-five sub-prefects, two hundred and sixty-four were removed, and Republicans appointed in their places. Many elections of Monarchists and Imperialists were annulled, and, in nearly every instance, Republicans were chosen to fill the vacancies. In February, 1878, the Orleanist group of the Senate voluntarily dissolved, and a majority of its members went over to the Republican side. Many Bonapartists also gave in their adherence to the Government, announcing that the time had come when their party must recognize the fact that the Republic was established.

During the year 1878, public attention was largely attracted away from political matters by the great Paris Exposition, which continued for six months. In January, 1879, an election was held for the renewal of one-third of the elective members of the Senate. Out of eighty-two the Republicans carried all but sixteen, the Bonapartists securing only two members.

As can be readily understood, all this time the Radicals were gaining strength and courage. They declared themselves dissatisfied with the moderate and conservative programme of the ministry. The Dufaure cabinet, acting under the pressure of public opinion, and perhaps desiring to conciliate the Radical element, insisted upon the removal of ten of the generals commanding the principal divisions of the army. These generals were the

old companions in arms and friends of Marshal MacMahon. He felt that he could not, with self-respect, consent to their displacement. Besides this, he had yielded too much to be in favor with the Monarchical and Imperial parties, and not enough to satisfy the Republicans. He seemed almost deserted, and was both disheartened and disgusted. He was essentially a soldier, and was tired and worn with the cares and annoyances of a position for which he never claimed to have any special qualifications. Accordingly, on the 30th of January, 1879, the Marshal tendered his resignation. On the same day, the Senate and Chamber assembled and elected M. Grévy President of the Republic for seven years. He received five hundred and sixty-three votes out of six hundred and sixty-two. This important and unexpected change took place in an orderly and dignified manner, without disturbance or excitement of any kind, and now at last the executive department was in the hands of the Republican party. M. Grévy was in full sympathy with the majority of the Chambers and with the sentiment of the country. In his first message, he declared that he would conform his action to the decision of the two houses, whose will he would not oppose. February 4, 1879, M. Waddington succeeded M. Dufaure as the head of the cabinet, the latter having resigned on account of his age and weariness of official cares.

The Radicals now entered upon an active campaign in favor of full amnesty for all those who had taken part in the insurrection of 1871. The Parisian press was filled with able articles advocating the measure, and the Municipal Council pronounced in its favor. Louis Blanc, Clémenceau, Victor Hugo, Locroy, and others advocated its adoption. A liberal bill, not satisfactory to the Radicals, was passed by the Chambers, after which the amnestied communists returned to France, and were warmly received by the people.

The Radicals then insisted upon the impeachment of the ministry of the 16th of May. The measure was opposed by the Government, and was lost on a final vote in the Chambers by three hundred and seventeen to one hundred and fifty-nine.

In June, 1879, the sad death of the Prince Imperial hopelessly divided the Bonapartist party, many of its members refusing to accept the leadership of Prince Jerome Napoleon.

On the 18th of June, 1879, the Government feeling strong enough to protect itself in the city of Paris, the two Chambers

repealed the article of the Constitution fixing the seat of government at Versailles, and in November following the Administration was transferred to Paris, where the Chambers now hold their sittings.

In January, 1880, the Waddington cabinet, having been attacked and denounced by the Radicals for too much timidity, indecision, and forbearance toward the enemies of the Republic, the ministry resigned, and was succeeded by the cabinet of M. de Freycinet.

In February, the proposition of Louis Blanc for full amnesty to all the communists was rejected, but the Radical press became more and more aggressive.

In this and the following month, a serious conflict arose between the Senate and Chamber, upon the question of the educational laws and the religious congregations. The Catholic congregations of France had become very numerous—some established by authority of law, others, such as the Jesuits, having no legal standing, this last-named order having been prohibited by old and almost forgotten decrees and laws, which had not been revoked or repealed. Jules Ferry presented to the Chamber of Deputies an elaborate bill on public education, article seventh of which declared that the religious congregations not authorized (aiming particularly at the Jesuits, who had large and successful colleges and schools) should not be allowed to teach. The proposition was carried in the Chamber of Deputies, but was defeated in the Senate, under the leadership of Jules Simon.

The opposition to the Jesuits was intensified in consequence of their alleged hostility to republican institutions. Many thoughtful and earnest Republicans, however, have doubted the wisdom of this measure, and it certainly is not in accordance with American ideas as to liberty of conscience and toleration of religious practices.

When the prohibitory article failed in the Senate, the cabinet declared that it would protect itself and society against the evil spirit of the Jesuits, by enforcing the ancient decrees against that order. On March 29th a decree was promulgated, ordering the Jesuits to dissolve their association and to close their schools within three months. The other unauthorized societies were directed to solicit proper authorization, and to qualify themselves for that purpose.

The Jesuits having refused to yield, except to force, on the 30th of June, 1880, all their schools, colleges, and religious establishments were forcibly entered by the police, supported by the army, and their inmates were summarily ejected.

This decree created great excitement at the time, but has since been acquiesced in, even where it is not regarded as just, wise, or expedient—the duty of the Republic to protect itself, even against a religious order, being in most minds the paramount consideration.

In July, 1880, M. Gambetta for the first time announced himself in favor of full amnesty to all the communists, he believing that the time had come when the measure could be safely adopted without endangering society. After an able speech from him, it was voted by three hundred and twelve to one hundred and thirty-six.

In August, at an election for the Councils General, in the departments, out of fourteen hundred and thirty-three Counsellors the Republicans carried one thousand and twenty-three.

In September, M. de Freycinet, while endeavoring to find some accommodation of the educational question, and to conciliate the religious congregations, found himself in disagreement with other members of the cabinet, and tendered his resignation. Whereupon, M. Jules Ferry, the author of the religious decree, was called upon to form a ministry, M. Gambetta having declined to do so.

In November, the decrees against the unauthorized societies other than the Jesuits were enforced, amidst much public excitement.

Subsequently, a law for compulsory education was enacted.

At the general election of August 21, 1881, for members of the Chamber of Deputies, the Republicans succeeded in securing four hundred and fifty-seven, while the Bonapartists elected only forty-seven, and the Legitimists and Orleanists together only forty-three. This result shows that the Republican cause was not weakened by the action of the Government against the religious orders.

After this election, public sentiment peremptorily called upon M. Gambetta to assume a position of responsibility, and on November 14, 1881, having been invited by the President, he consented to construct a cabinet, and himself assumed the duties of Minister for Foreign Affairs.

M. Gambetta, perhaps, more fully than any other statesman of France, represents the genius, opinions, and aspirations of his countrymen. He is a powerful man, physically and mentally; is possessed of untiring energy, indomitable will, lofty ambition, and great courage. There is a personal magnetism about him, and a force of character which, assisted by the magic of his entrancing eloquence, bears down or sweeps away all opposition. He has grown conservative in proportion as his responsibilities and power have increased. His influence has long directed the course of events, and his governing hand is now everywhere recognized. That he is intensely ambitious cannot be doubted, but he identifies his own personal reputation with the permanency and welfare of the Republic. What may be the effect upon him of this concentration of power and influence in his own hands, it is difficult to say. It is hoped, however, and believed, that he will be governed by patriotic motives and considerations.

Thus may be seen the successive steps by which France has advanced from the imperial *régime* of 1870 to the popular government and liberal institutions of to-day. The people, by an overwhelming majority, are devoted to the Republic. They have seen their country recover from the disasters of the Franco-Prussian war, with a facility and to a degree which has astonished the world. They have seen France rise up from her prostrate and seemingly hopeless condition to assume her place again as one of the great powers of Europe. They have witnessed a financial prosperity, under the policy of peace and development, which has made the citizens of the Republic happy and the country rich and powerful. They have seen their Government, while avoiding unnecessary foreign complications, asserting its influence in the world's affairs; extending its trade and commerce, and enhancing prosperity by virtue of its commercial treaties, and otherwise; adding to its domain by the acquisition of broad and fertile territory in North Africa, a large proportion of which it is undoubtedly destined to control; augmenting and re-organizing the army, until it little resembles that with which Napoleon the Third attempted the conquest of Germany; the people left to pursue unmolested the vocations of civil life,—to enjoy the present and to provide for the future.

And seeing all this, what wonder that the people have confidence in their institutions and in the leaders who direct them? As a consequence, there have for years been no violent outbreaks,

and few social disturbances. France is at peace, and wishes to remain so.

It would not be true to say that the French idea of Democracy is the same as that which prevails in the United States,—perhaps it can never be altogether so. Frenchmen naturally remember that their territorial unity and national glory have largely been inherited from their kings; the traditions of the empire still linger in their minds; they are fond of amusement and display, and have not forgotten the glittering pageantry and the fascinating gayeties of their royal courts; they do not want a King or an Emperor again, but the monarchical idea is ever present with them, and their Republic is made to conform somewhat to this idea. For instance, many of the leaders have advocated the abolition of the Senate, so that all power might be vested in one grand Assembly, the members of which should be elected by large constituencies, upon a general ticket. The tendency of such a policy would be to consolidate the power of the Republic in a few hands. To-day, under such an arrangement, the government would be that of one man—M. Gambetta. There is reason to believe, however, that the better judgment of the nation will preserve all the checks upon absolute or personal power which now exist, and that there will be no centralization of authority. This possibility, nevertheless, constitutes a danger to which the more thoughtful minds of France are already directed, with more or less of painful apprehension.

The senatorial elections of January 8, 1882, in which the Republicans carried sixty-four and the Conservatives fifteen,—a Republican gain of twenty-two,—places the Senate in full harmony with the Chamber of Deputies, so that the national Republican majority in both houses is unassailable by the extremists of either party. This result is likely to silence all serious opposition to the Senate as a branch of the legislative authority for the present.

There is also a Radical element in France, constantly bent upon extreme measures, having little respect for constituted or delegated authority, and caring not much for moral or religious safeguards. The leaders of this faction are able and brilliant, capable of inflaming the public mind, unscrupulous in their methods, and dangerous in their tendency. Fortunately they are in a small minority, and hence have not been able seriously to embarrass the administration of affairs, though their finger-

marks will be found upon the most questionable legislation of the Republican Chambers.

Recognizing the two dangers,—centralization, or one-man power, on the one hand, and the tendency to extreme radicalism on the other,—it may yet be said that the French Republic to-day has a good though not perfect Constitution, generally wise laws, an honest and patriotic administration, and every prospect of permanency, development, and success. It is as firmly established as any monarchical government in Europe.

In closing this article, the thought naturally suggests itself that the example of two great Republics, like France and the United States, cannot be lost to the world. Their prosperity, beyond all comparison with that of other nations, cannot fail to commend democratic institutions to the people of all lands. The spirit of unrest is abroad in the monarchical countries. The revolutionary feeling finds an abnormal expression among the Nihilists of Russia, the Socialists of Germany, and in organized secret societies elsewhere. But the true spirit of republicanism, the genius of free government, is everywhere making its way, and finds able and influential advocates in all parts of Europe.

Our sympathies are with the Republic of France in her brave, persistent, and successful efforts to perfect and sustain a government, by and for the people, founded upon justice, and maintained with integrity and patriotism.

EDWARD F. NOYES.

TRIAL BY JURY.

We received the jury system from England with the common law, upon which it was effectually ingrafted. It is not questioned that for many centuries, while in force there, it was entitled to all the praise and to all the esteem which was then and has since been bestowed upon it. A system, however, which may have been most beneficial to the people of that country five hundred years ago, and even necessary to the preservation of liberty, may not by any means prove the best to be enforced under the free institutions of the American Republic. In England, until the accession of William III., while the sovereigns were almost absolute, and while they controlled all public patronage and appointed all officers, including judges and attorneys-general, the checks to tyranny interposed by grand and petit juries, especially in political cases, were of great importance to the people. Then the attorney-general prosecuted by direction of the king. The judges before whom political causes were tried could in a moment be deprived of their offices and handsome salaries by the royal mandate. On the other hand, the law provided that no Englishman (except in cases of impeachment and bills of attainder) could be punished for a felony until a "true presentment" had been made against him by a grand jury of the proper county, and could not be punished therefor until "twelve good and lawful men" had unanimously found him guilty of the offense charged by the grand jury. With such a protection, however, juries were sometimes packed by the sheriffs, or overawed by the judges, and the objects of the sovereign fully attained.

It is certain that in this country no such checks to power are necessary. The judges and prosecuting attorneys hold their positions directly or indirectly from the people. And if an officer over-zealous in the discharge of his duties approaches the verge of tyranny, he will soon be called to an account by that sovereign

power. Since the days of Benedict Arnold, probably no human being in America has been more universally loathed and detested than Charles Guiteau. Yet, when it was supposed by some that the District Attorney in Washington was inclined to exceed his authority by ordering extraordinary rules to be observed in the confinement of the assassin before trial, many voices demanded that even in his case the laws should be strictly complied with, and the dying President himself inquired why Guiteau was to receive treatment which differed from that of ordinary criminals.

As to the practical working of the jury system, I admit that much can be urged in its favor; but I believe that the facts which may be produced in opposition greatly preponderate. Lawyers, the followers of precedents, are conservative. Many of them owe their success in life to their remarkable influence over juries. Others are attached to the jury system because they believe it to be inseparably blended with the fundamental principles of the common law. The people have been taught to regard it as the ægis of liberty. Thus, many, both lawyers and laymen, are opposed to change. Their arguments are plausible, but are founded more upon the past than the present. Their illustrations are drawn rather from monarchies than from republics, and especially from those countries where the sovereigns are nearly absolute, and where the introduction of trial by jury has produced beneficent results. This remark may apply to France as it was governed a few years since, and to Turkey as it is governed at the present time. Even the Nihilists, extreme and infamous as their theories are, even that professed band of assassins recognize the difference between American freedom and European despotism, and distinctly condemn the act of Guiteau, pronouncing it a barbarous deed, and wholly unjustifiable in this free country.

The adoption of codes of procedure in many of the States has greatly simplified legal practice, and rendered proceedings at law far less tedious and expensive. We are assured on the other hand, however, by old common-law attorneys, that under these codes the bar has greatly deteriorated, and that the chief results of them are half-educated and incompetent lawyers. We see, nevertheless, that after thirty years of experience the great State of New York (the first to adopt a code) still adheres to its simpler forms of practice; and that England, the mother of the common law, and the country in which fictitious and technical

forms of pleading originated, has deemed it necessary within a few years past to effect a complete revolution in her system of procedure and in the organization of her courts.

The necessity of a change in this country, both as to grand and petit juries, has become manifest in many sections. In some States, grand juries have been abolished, and the more simple and economical mode of commencing a prosecution by filing an information has been substituted. In others, the power of petit juries is so far restricted that now they rarely sit in civil actions, except in those "sounding in tort." But in most of the States and Territories of this Union, the time-honored practice remains in full vigor and force.

Justice should be meted out with certainty, economy, and promptness. Under the present system this cannot be done. The system itself is antiquated and unreliable, expensive and cumbersome. Litigation is feared and avoided by our merchants, bankers, and others, on account of the delay, uncertainty, and great expense which it entails. As is well known, many practical business men prefer to compromise what are just claims for a few cents on the dollar, rather than incur any danger of a legal contest by enforcing such a claim at law. In many States, the rules for administering justice are so refined and technical, and their merits are so ardently advocated by many attorneys, that a person is reminded of those famous generals who, opposed to Napoleon, preferred to suffer overwhelming defeat rather than to gain a victory by any but the long-established tactics. The omission of a clause in the pleadings, or the insertion of an unnecessary allegation, has frequently caused an important case to be decided directly contrary to the merits.

A large portion of the time of appellate courts is occupied with motions to set aside verdicts and to grant new trials on account of the ignorance, bias, prejudice, misconduct, or mistakes of juries. I have known some lawyers in the State of New York who did not appear to think that they had done their clients justice unless they had taken their causes one or more times to the general term, even preferring to receive an adverse verdict than to be deprived of the privilege of ventilating the case in a higher court. I recall an instance where the action was brought to recover damages for simple assault and battery. The defendant's attorney had a very good case, and had he gone to the jury solely on the merits, there was little doubt but that the

jury would have returned a verdict for his client. He chose instead to rest upon technicalities. The jury rendered a verdict in favor of the plaintiff for one hundred dollars and costs, on which a judgment in due time was entered. The defendant appealed, and successfully, the court at general term ordering the judgment to be vacated and a new trial to be had. Great was the chagrin, however, of my technical friend when the counsel for the plaintiff, pursuing a different course from that which he had adopted upon the first trial, recovered a verdict of four hundred dollars, instead of one hundred dollars, as at first. He again appealed to the general term, where his chagrin was changed into dismay when the court refused to interfere with the second verdict, and the defendant, his client, was adjudged to pay the four hundred dollars damages and costs enough to raise the entire amount to about two thousand dollars.

This case illustrates certain features of the jury system. Verdicts of juries are very uncertain, and are more frequently the result of popular sentiment, the eloquence of counsel, and of various extraneous circumstances, than of a careful consideration of the merits of the case. Sporting men in the West, who will bet on horse-races, the faro-table, and even on the proceedings of the stock-board of San Francisco, dare not risk a dollar upon any legal proceeding in which a jury is concerned. The uncertainty of its verdict is so absolute that the betting men cannot form any combination of odds upon which it would prove safe to take a risk.

Many Americans are becoming convinced that the present system imposes unnecessary burdens upon litigants and tax-payers. There are, I admit, some professional jurors, as they are termed, who have pleasant anticipations of an approaching court-week, who at that time brush up their old clothes and assume an air of remarkable wisdom. If possible, they will get themselves placed on the regular panel. Should they fail in that, they will take a position on the verge of the court, hoping that they may be called in case of an emergency. Should they succeed in getting on a jury, they will "hang" it as long as they can, in order to draw further pay, to obtain one or more dinners at the expense of the county, and to gratify their own feelings of importance by controlling the jury. But, to the majority of American citizens, the performance of jury duty is an onerous burden. The jurors are taken from their offices, stores, and

farms, in the busiest seasons of the year, to sit, perhaps for days, on a case where even the amount of one hundred dollars is not really involved, and in which they can feel no especial interest. They are often confined during the day in a low, damp, ill-ventilated court-room, and are afterward locked up at night without food, bed, or blankets, "until the jury agrees," and are frequently kept for weeks from their homes and places of business. This is certainly no light imposition, especially where persons are drawn upon the jury every year. In large cities, as New York, Philadelphia, or Boston, where men are rarely called upon to serve as jurors, the imposition is less burdensome than in smaller towns and in the country, particularly in the sparsely settled regions of the West. The grievances of some jurors at the present time would furnish a better theme to the writers of romance than those of many political prisoners whose sufferings have been depicted by the pen of a Scott or of a Hugo. Besides his actual physical sufferings, the juror is often placed in an uncomfortable or embarrassing position. He is called upon to decide disputes between intimate friends or near neighbors of his own, well knowing that the defeated party will ever after be his inveterate enemy. How frequently attorneys have heard a suitor exclaim something similar to this: "Now my case is all right; John Doe is on the jury; he is the best friend I have"; or, "He dare not go back on me." In order that a juror, sitting on the trial of an indictment for murder, may not be tampered with, the law, in many States, provides that he must be locked up from the time that the jury is impaneled until the verdict is rendered (or the jurors discharged by the Court), even if weeks are required for the trial. He is, in one sense, a judicial officer, and the idea of locking up a judicial officer, to prevent his being tampered with, causes, to say the least, very unpleasant suggestions of the condition of legal affairs. In many cases of felony, if a juror returns a verdict of acquittal he will be denounced and contemned by all law-abiding citizens; if a verdict of guilty, he runs the risk of being shot in the back by the friends of the defendant, or by the prisoner himself when he escapes. Judges may suffer in the same manner, but they are held in more awe; they accept positions of great honor and power, generally with handsome salaries attached. They voluntarily accept the offices which they occupy, while a juror, with scanty pay, and placed in a position without honor, where he is sneered at or censured for

his verdict, is compelled to act in the matter, whether he desires to or not. One earns his living by assuming such responsibility; the other is sometimes ruined in business by having offended a powerful neighbor in the rendition of a verdict. He is, also, often locked up until compelled, by hunger or exhaustion, to agree to a verdict (which he believes to be wrong) because the majority have decided that it was right. The equity attained by these forced verdicts can scarcely be called impartial. The injustice of such a proceeding, though very common, is too apparent to require further comment.

Frequently officers of little experience are called upon to draw juries, careless or ignorant clerks to make out the necessary papers, and sheriffs of equal carelessness to serve them. When these venires are returned to the court, opportunities are presented for counsel to challenge the array, to offer other objections, and to make out a bill of exceptions, which will only be limited by the patience of the court, and of frequently reversing the judgments obtained for some irregularity which does not in the slightest degree affect the merits of the case. All of which tends to defeat the purposes of justice.

After all challenges are exhausted, the jury are sworn. Twelve men are in the jury-box. It may require several days to receive the evidence. They know little or nothing of law, and, what is worse, most of them, though perhaps possessing good minds, are unaccustomed to the peculiar methods of weighing evidence and of deciding the questions involved in such a case. Yet they are, under the law, the sole judges of fact, and after they have decided that, no matter how erroneous their method of reasoning may be, no court may disturb the verdict unless there is some glaring defect in it. Some have been on juries before and are proud of the possession of a few law phrases, and flatter themselves that they know about as much law as the lawyers themselves. Two or three are sharp, wide awake, and attentive. The remainder are dull, sleepy, and morose, because they have been forced to leave their business. Occasionally one, through stubbornness or strength of mind, controls the rest of the jury. They cannot weigh evidence as a judge can who has made it a life business, and frequently a brazen-faced rogue, who is unembarrassed and accustomed to being on the witness-stand, and who goes straight ahead with his story, will receive from them more attention and credence

than the bashful but honest witness who desires to tell, notwithstanding the badgering of counsel, exactly what has occurred. The rules of evidence are as perfect as any that have been formed by man. They are founded on a broad and firm basis of reason and of common sense. Yet to those who are not conversant with the subject by a thorough study of it, the rulings of a judge admitting or rejecting testimony often appear partial and arbitrary. The jurors will retain their own opinion about it, and permit it to influence them in arriving at their verdict, notwithstanding the directions of the Court. As the trial proceeds, one juryman will pay strict attention to the arguments of plaintiff's counsel, because at a previous time that counsel managed for him successfully an important suit. Another leans to the opposite side, because the counsel is a shrewd political leader and remembers his friends in the party to which the juror belongs, or has made a glowing stump-speech, has called on or dined with him, and has shown him marked attention in various ways. The juror, proud of the great lawyer's friendship, now that an opportunity offers, resolves to show his appreciation of it. One juror will favor a litigant because he is a clergyman, or a member of some particular sect; another will oppose him for the same reasons, and every advocate of experience is aware that there are a hundred ways in which a juror may be affected on the trial of a cause without any reference whatever to the merits. Too many lawyers are ready to avail themselves of the opportunities presented. When the evidence is all in, counsel proceed to illuminate the jury. If after a trial of four days the members of it have any distinct conception of what is right in the matter, they generally lose it before counsel have finished.

The jury system is especially favored by those defendants who, if they cannot entirely defeat the claims of the plaintiff, desire to cause such hinderance and delay as to amount to a virtual defeat. In such an attempt, juries are of great assistance in many ways. One juror may happen to be irregularly on the panel. Another may succeed in preventing the jury from agreeing. A third may be taken ill just in time to prevent a verdict from being rendered at that term of court. How frequently we hear of litigants expressing themselves to the effect that, if they have a good square case, the judge alone "is their man to try it"; but if, on the contrary, the justice of their cause

is rather dubious, or the facts apparently somewhat against them, or if their suit for any reason is considered "a tough one," they will certainly call for a jury.

Many a man, when drawn as a juror for the first time, feels that he has a high and delicate duty to perform. So once thought a friend of mine. The first cause in which he served was one of grand larceny. For twenty-four hours after retiring, the jury stood six for conviction and six for acquittal. My friend was of the former number. They could not agree. They requested the Court to discharge them. This was refused. They were sent back to their room. They became impatient. One of their number proposed that they should toss up a penny and decide. If the head came uppermost, they were all to vote for conviction; if the opposite side, for acquittal. It was done. A verdict of guilty (which my friend had always maintained to be just) was soon afterward rendered, and the prisoner was sent to the penitentiary. In another instance, a cause involving thousands of dollars was decided by the result of a game of draw-poker. Even the refined, erudite, and very honest city of Philadelphia is not satisfied with the verdicts of her juries. I have seen it advertised within the last few days, that one of the leading journals of that city, the "Times," offers a handsome reward for the capture and conviction of "jury-fixers." The definition of the term is subsequently given as "one corrupting, or attempting to corrupt, a juror or jurors in any case." It does not appear from this that the jury system is the ægis of liberty in the great, but (heretofore) badly governed city of Philadelphia. Yet if it cannot be relied upon there, where can it be?

Some of those I have cited may be called extreme cases. How can we tell? There are very many deeds irregular and illegal done in jury-rooms, on which the light of day never falls, and of which the party injured thereby can never obtain sufficient proof to seek a remedy by appeal. The processes, however, by which some remarkable verdicts are arrived at, are openly announced; in the one, for instance, where the jury found that a man charged with murder was sane the instant before the act was committed, and sane the moment afterward; but entertaining a doubt of his sanity at the exact time of the doing of the deed, gave him the benefit of that doubt, and acquitted him.

Passing by the dogmatic juror who delights in hanging the jury, or in complaining of the obstinacy of the other eleven, and the juror who, for some reason, has become improperly interested in the case, and strives to delay the rendering of a verdict, we find that great hinderances, vexation, and expense are caused by the employment and intervention of jurors, even where they endeavor to perform their duties in the most honorable and conscientious manner. How frequently, after a long, expensive, and exhausting trial, the jury fails to agree, as in the case, for instance, of Tilton against Beecher. When this occurs, the case must be discontinued or a new trial had. In either case, the former labor is entirely lost. Where there are twelve jurors, it is not an uncommon occurrence for one at least of the number to be taken ill, or even to die, thus producing the same result, and causing great expense. Suppose that, in the trial of Guiteau, one juror should have been taken so ill that he could not act further, or should have died, or that after the cause was submitted to the jury, he should have found "the other eleven exceedingly obstinate," and should have refused to agree upon a verdict. The result would certainly not have been satisfactory to the American people. A question here arises whether, in the last-mentioned and other cases, a jury, however fair and impartial it may be, is as well qualified to pass upon technical points and scientific theories (as of insanity, for instance, where professional and foreign terms are employed), or upon the difficult points arising in suits in which nice distinctions as to forgery, usury, indorsement, etc., are raised, as are three or more learned and experienced judges? The questions of fact are said to be the especial province of a jury. In their own province, therefore, of passing upon and weighing facts, are they as well qualified for the performance of those duties as judges specially trained to decide such matters by a long course of study and of practice?

In the consideration of these facts, the question also arises, is the system, as it exists with us in America, founded in justice? How many juries are strictly impartial? How many remain entirely uninfluenced by preference for one or the other of the parties, one or the other of counsel, or the leaning of some friend to either, or by political affiliations, or church connections, or relations to secret societies, or by what they have heard or by what they have read? Can they be as dis-

cerning and impartial as a bench of judges, or if inclined to some bias or prejudice, can they as readily as a judge divest their minds of such an impression for the time being at least, and perform their duties impartially? Are they not also more easily affected, influenced, and misled by the eloquence and sophistry of counsel? Would not the style, manner, and methods of many eminent lawyers have to be completely changed if all their causes were to be tried before a bench of three learned, able, and incorruptible judges? That is the test. When we read of the wonderful success of this brilliant advocate, or of the power that that one possesses over juries; of James Scarlett, afterward Lord Abinger, "the greatest verdict-getter in England," as he was called; and also of a gentleman now occupying a high judicial position in the Federal courts, who, when practicing at the bar, and when trying in one short term twenty-two jury causes, won verdicts in twenty of them; and of other men who, on account of acute minds, persuasive eloquence, and brilliant oratory rarely lose a cause, and whose being retained for the defense in a criminal case almost invariably results in a verdict of acquittal,—of men who, as they term it, carry the jury in their pockets,—we are led to believe that law is a game of chance, that juries are uncertain, that their verdicts are not founded in justice, and that, not the merits of a cause, but the abilities and eloquence of counsel, and various extraneous circumstances, are what determine the matter. Not all such verdicts as have been mentioned can be just. These eminent counsel cannot always be upon the right side. They do nothing unfair or dishonorable. They do not go beyond the strict rule of legal ethics in maintaining the interests of their clients. Few lawyers, especially those of high standing, will accept a retainer in a case that has neither law nor justice on its side. It may be a difficult one to manage. There may be intricate questions involved. But there must, at least, be some appearance of equity before they will risk their reputation in maintaining it. What I claim is, that a court composed of one or three judges will arrive at a proper decision more frequently, more speedily, and with less expense to litigants and tax-payers, than a court will which is compelled to call in a jury to aid in its decisions.

While many motions for new trials on the ground of misconduct of juries are permitted by the courts to be made, and much valuable time occupied, it usually requires a very strong presen-

tation of facts or of arguments to persuade the Court to interfere with the verdict, except where the instructions to the jury are decidedly erroneous. If the jury has kept within its scope, no matter by what error of reasoning or construction of evidence it has arrived at its verdict, if that verdict appears in due form on its face and does not present any signs of excessive bias, prejudice, or favor, or if the amount of damages awarded is not beyond all reason, or if it is not apparent to the Court that the jury has willfully rejected and left out of their consideration very important and decisive testimony, the verdict must stand. Even if, while out deliberating, the members of the jury grossly misconduct themselves, the party against whom the verdict is rendered can rarely, on appeal, avail himself of that fact, for no juror is allowed under any circumstances to attack or impeach his own verdict. And, however apparent to court and counsel the misconduct of a jury may be, if it once acquits a man on a criminal charge the verdict can, under no circumstances, be set aside, nor can he ever again be put on trial for the same offense. This rule holds good even where the prisoner has obtained the verdict by bribery, intimidation, or other unlawful means. Take the case of Guiteau, for example. I fully coincide with the views of the "Daily News," of London, expressed November 24, as follows:

> "It seems obvious that the question of Guiteau's sanity and responsibility is a matter of word-chopping and of psychological casuistry. Guiteau is perfectly well aware of the nature of the act. We might say that Guiteau was crazed, just as so many people are called cracked who are yet acknowledged to be fit to control their own affairs. If Guiteau is declared insane, a vast number of people like him—feather-brained, conceited fools—will justly infer that they too may indulge in eccentricities and murder."

As our law now stands, however, if the jury in his case should have been so far affected by the view and the narration of his eccentricities as to acquit him, there is no remedy for the American people, howsoever great their grief and indignation may be. I will not at the present time comment on the conduct of Judge Cox. I am fully convinced, however, that if his trial had not been by jury, Guiteau would have abstained from the greater portion of his revolting acts; that his counsel would have omitted a large part of that mass of evidence which he has under very peculiar rulings been permitted to introduce, and that if three judges, instead of one, had sat upon the trial, America would

have been saved from feelings of disgust and humiliation, the intensity of which it is difficult to describe.

Then the question arises, are not many or all of the objections made to juries equally applicable to judges? Some judges, I admit, have been, and some still are, ignorant, prejudiced, vindictive, dishonest, avaricious, and cruel; but I am glad to know that such instances are rare. When they do occur, it is much easier to mete out justice to the offender, being in a prominent position, than to a person who is merely an obscure juror. New York City, not many years since, set an excellent example in the method of dealing with her dishonest judges; and England, in an age remarkable for servility, corruption, and tyranny, punished the wisest judge of the period, the favorite of the sovereign, and the greatest philosopher in Christendom, for accepting bribes and rendering iniquitous decisions. Single judges are often arbitrary. Jurors are biased and prejudiced. The former are, perhaps, too much inclined to convict persons charged with criminal offenses; the latter to acquit them. But judges are usually chosen for learning, ability, integrity, and experience, while jurors are expected to be ignorant, and are selected by chance. To the former a high position, an unsullied name, is more than wealth. Removal from office for cause would to them be almost as severe a punishment as death. The latter have no professional honor, no official dignity to sustain, and are happy if they can only escape without having made an inveterate enemy of some litigant. The former, with good salaries, desire to hold their positions for life, while the latter, receiving for their services a mere pittance, less in many instances than their actual expenses are in attending court, are delighted when their term is over, when court adjourns, and when they can escape from the jury-box to their farms, stores, or manufactories. The former, from their professional training, can generally tell a rogue from an honest man when he is on the witness-stand, can sift the evidence thoroughly, and can apply the law to it correctly. The latter are easily misled by shrewd but dishonest witnesses, or persuaded from their convictions by eloquent advocates. The former, when a cause is tried before them without a jury, in addition to all their learning and experience, are allowe ample time to consider the case, to refer to the law bearing u it, and to render their decision in due form; while the] ignorant as they may be of legal proceedings, are exper

recollect all the evidence given during a long trial, to remember the charge of the Court with the law applicable to the case, and to render a wise and judicious verdict without even being permitted (as the law is in several States) to take to the jury-room the documentary evidence that has been introduced in the case.

Great and sudden innovations may be neither necessary nor expedient. When reforms are given the right direction, time will accomplish the necessary work. When the people look at the subject in its true light, efficient changes must follow. Lawyers attached to the jury system, as they were to the old forms of common law, will, as they have before done, raise objections, but will readily fall into the new methods of procedure. The legislatures will bear in mind that laws are to be enacted for the benefit of the people at large, and not for the accommodation solely of a single profession. The trial of civil actions without a jury is already preferred in a few States. It has been found, generally, to work in a satisfactory manner,* except in those States that permit issues of fact to be made up and submitted to a jury for the purpose of obtaining their special verdict. In such causes, matters of the greatest moment are often involved, yet I fail to hear any greater complaints about trials and decisions in the courts of chancery than in those of a common-law jurisdiction. As I have before said, in some States nearly all civil causes, except those "sounding in tort," that is, brought for wrongful acts, where the amount of damages to be recovered must be fixed upon, juries are nearly always waived, and the cause is decided by the judge alone, or is sent to a good lawyer "to hear, try, and determine," as a referee. This method appears, also, to have given great satisfaction. In the enterprising Territory of Wyoming, distinguished by some very excellent laws, one was enacted about four years since which required a litigant, on a certain day of the term, in case he demanded a jury, to deposit a considerable fee with the clerk, to be applied to the payment of ors, and to be taxed as costs, if the party making such deposit ccessful in his suit. This measure has been found to work ly. Juries are waived in nearly every small case and in thirds of the larger ones, and courts occupy but about e that they formerly did, while more than half the

* equity cases have always been tried by the Court without

expenses to tax-payers are saved. The latter, in new countries, is a very important item. In case a party to a suit is too poor to make such a deposit, the Court has power to dispense with the rule in that particular instance.

It would appear that a court for the trial of causes in the first instance should be composed of one or three judges. The salaries of these officers, if there were three, would amount to more than at present. Upon the other hand, a greater saving, I believe, would be made by the rapidity with which business could be disposed of, thus greatly reducing court expenses, and by the saving of all jury fees. In ordinary cases, a single judge could hold the term. In extraordinary causes, and in criminal prosecutions, two more judges might be called in. This system would greatly lessen the grounds of appeal, fewer cases would be reversed, and I believe that in a short period the appellate courts would be relieved of a good deal of their labor. At the original trial, witnesses could be examined in far less time than at present, and counsel would not have to be so frequently heard on the question of the admission or exclusion of impertinent and irrelevant testimony which might affect the jury, but would not affect the Court. I have referred to the influence of eloquent and astute advocates over juries. Do they not possess a similar power over judges? Undoubtedly, in some instances. Many judges are accused of showing especial preference for particular members of the bar. But judges have their own reputation at stake. They do not like to have their decisions reversed by higher courts. They frequently prefer even to have juries try the cases, in order that they themselves may be relieved of a large portion of responsibility. They are not readily affected by pure eloquence in their own courts. They can easily unravel the webs of sophistry woven by counsel. Sometimes they are unduly affected by the logic or rhetoric of advocates; but usually in a far less degree than juries are. I believe that in criminal cases, under such a system, justice would be meted out more certainly and speedily, a less number of innocent men would be convicted, fewer guilty ones would escape, packing and manipulating juries would be done away with, crime would decrease—for the certainty of punishment is more dreaded by criminals than the amount of it; and while honorable and talented lawyers would have even more business than at present, a certain class known as pettifoggers, jury manipulators, and shysters would

disappear from the courts. If one judge is too arbitrary, let the bench be composed of three. Their views usually differ so far that the opinions of one will assist in balancing the decisions of another. I know of many instances where, on account of the general public sentiment, persons indicted greatly preferred to be tried by the court alone. It would seem as if the time had arrived for a new departure. The genius of this age can certainly devise a better system. Sweeping and hurried reforms, as I have said, may not be expedient; but as an experiment, at least, a law restricting yet further the causes subject to jury trial could do no harm. Let it also provide that in those cases two-thirds of the jury, or eight out of twelve, may find a verdict, instead of requiring that it should be unanimous. This would lead to yet further reforms, and compromise verdicts which are just to neither party, forced verdicts, packed juries, and juries too easily influenced would take their place with the things of the past. Judges alone would then decide litigated cases. They could no longer shift their own responsibility upon the shoulders of an ignorant jury; but, educated for their positions, and well paid for their services, they would be held to strict account for their "findings of fact as well as of law." Should they err in their decisions of causes, those causes will be in a much better condition than if tried by a jury, to be reviewed by the appellate court; and the judges themselves could be more readily reached by the strong arm of the law and the force of public opinion.

EDWARD A. THOMAS.

THE TRUE LESSON OF PROTESTANTISM.

SINCE the day when Martin Luther posted his audacious heresies on the church-door at Wittenberg a great change has come over men's minds, the full significance of which is even yet but rarely comprehended. To inquire into the nature of this change, and into what we may perhaps call its ultimate tendency, is well worth our while, whether as students of history or as students of philosophy. In outward aspect, the results of Protestantism have come to be very different to-day from what they were at first. The immediate consequence of Luther's successful revolt was the formation of a great number of little churches, each with its creed as clean-cut and as thoroughly dried as the creed of the great church from which they had separated, each making practically the same assumption of absolute infallibility, each laying down an intellectual assent to sundry transcendental dogmas as an exclusive condition of salvation. This formation of new sects has gone on down to the present time, and there is no reason why it should not continue in future; but the period when educated men, of great and original powers, could take part in work of this sort has gone by forever. The foremost men are no longer heresiarchs; they are free-thinkers, each on his own account; and the formation of new sects is something which in the future is likely to be more and more confined to ignorant or half-educated classes of people. At the present day it is not the formation of new sects, but the decomposition of the old ones, that is the conspicuous phenomenon inviting our attention. The latter half of the nineteenth century will be known to the future historian as especially the era of the decomposition of orthodoxies. People, as a rule, do not now pass over from one church into another, but they remain in their own churches while modifying their theological opinions, and in this way the orthodoxy of every church

is gradually but surely losing its consistency. Nor is it only the laymen of whom this can be said; for the clergy every now and then set them the example. An eminent Congregationalist minister in Connecticut, some few years since, was asked why he did not go over to the Unitarians, inasmuch as he not only kept Strauss and Renan in his library, but even loaned them to young men, and publicly eulogized Herbert Spencer, and went so far one day as to take part in the dedication of a Jewish synagogue. The quaint and shrewd reply was: "I am unable to see why the Unitarians should enjoy a monopoly of all the free-thinking; I prefer to carry my candle where it is darkest!" It is only four or five years since a learned English bishop completed his voluminous commentary on the Pentateuch, in which the sacred text is handled with as much freedom as Mr. Paley shows in dealing with the Homeric poems, or Mr. Grote in expounding the dialogues of Plato. And the history of this, as of other less conspicuous acts of heresy, seems to show that practically an Anglican divine may preach whatever doctrine he likes—provided, doubtless, that he avoid certain obnoxious catch-words. Among Unitarians this doctrinal latitude is too well known to require any illustration. Yet it is well not to forget that, forty years ago, Theodore Parker was virtually driven out of the Unitarian Church for saying the same sort of things which may be heard to-day from half the Unitarian pulpits in New England.

In view of all this, it is not strange if we are sometimes led to ask, What is to be the final outcome of this decomposition of orthodoxies? The total destruction of religious creeds was long ago predicted by Catholic controversialists as an inevitable result of the exercise of that right of private judgment which is the fundamental principle of Protestantism; and now it begins to look as if the Catholic prediction were likely to be fulfilled, although Protestant churches have warmly resented the imputation, and have too often taken pains to show that in strait and uncompromising bigotry they could vie with their great antagonist. While Catholics, on the one hand, have foretold this result by way of warning and opprobrium, on the other hand it has been no less confidently predicted by atheists, materialists, and positivists by way of encouragement and approval. To Comte the chaos of opinion which prevails in modern society afforded proof that the time was ripe for discarding theology and metaphysics altogether, and for confining the operations of the human

mind hereafter to the simple content of observed facts. To Dr. Büchner and his friends it presages the speedy advent of that glorious millennium when all men shall felicitate themselves upon the prospect of dying like the beasts of the field. On the one side and on the other we hear it maintained, with equal emphasis, that any system of Protestantism—any system which seeks to combine absolute freedom of speculation with an essentially religious attitude of mind—is logically absurd, and is destined to be superseded. The only question is as to what alternative is to survive the inevitable fate of all such misguided attempts; and here Dr. Büchner and the Pope will be found to disagree. While on the one hand it is held that the course of modern philosophic thought is so distinctly toward materialism that every one who is not a materialist is behind the age, on the other hand it is prophesied that, out of sheer weariness of the skepticism that is the perpetual outcome of free inquiry, there will eventually be brought about a renaissance of the ages of faith. I do not know that it can be said precisely how far these expectations go. Probably it is not expected that crusades or pilgrimages to Compostella will again become fashionable in the complex industrial society of the future; perhaps it is not expected that leaders of scientific thought will accept the miracle of St. Januarius, for the Catholic Church has oftentimes known how to be judiciously lax about such matters; but there is no doubt a vague expectation that, in spite of the independence of thought which scientific studies are fostering, a line will somehow be drawn beyond which men shall agree to submit their judgment to that of the church. It is not Catholics only who make this tacit assumption: it is made, in one form or another, by every one who argues that his own particular orthodoxy is destined to survive the shocks of scientific skepticism; and it underlies the remark which we sometimes hear, that all would be well if men of science would only keep their place and not encroach upon the province of the theologian. The alternative, then, is, when stated as broadly as possible, Will the present decomposition of beliefs be succeeded by a period of reconstruction in which the teachings of some church shall be accepted as authoritative concerning questions of a purely religious nature, or will the decomposition go on until the last vestige of recognition of religious questions shall have vanished, and all educated men shall have become atheistic materialists? It is my object in the present paper to show that no

such alternative really confronts us; that the very propounding of such a question involves grave philosophical and historical errors; that neither materialism on the one hand, nor any species of ecclesiastical orthodoxy on the other hand, is likely to become prevalent in the future; and that the maintenance of an essentially religious attitude of mind is compatible with absolute freedom of speculation on all subjects, whether scientific or metaphysical.

In my apprehension it is a very serious mistake, though a very common one, to suppose that the tendency of modern philosophic thought is toward materialism. On this subject there is a great confusion of ideas, which is aggravated by a general uncertainty as to just what materialism really is. The word "materialism" has been so commonly used in a vituperative rather than a descriptive sense, that it has become somewhat damaged for philosophical purposes. Whenever Auguste Comte had to deal with some opinion which he did not like,—it made little or no difference what it was about,—he used to get rid of it without delay by calling it "metaphysical." And in like manner the word "materialism" has come to be with orthodox ministers a general term of abuse for anything which they do not happen to like. I was once called (in print) a materialist, for saying that there are no trustworthy dates in Greek history prior to the first Olympiad! Mr. Joseph Cook, if my memory serves me, declares explicitly that he calls all persons materialists who do not believe in the freedom of the will—which, of course, would have included Jonathan Edwards. Then, besides this silly use of language, the word has undergone some legitimate historical changes of meaning. The great Dr. Priestley, whose theism was quite unimpeachable, avowed himself a materialist, because he did not regard it as beyond the power of an omnipotent Creator to endow matter with the capacity for feeling and thinking. It seems to me that this was a mental attitude much more devout, if not more philosophical, than that of those modern theologians who vie with the ancient Gnostics in heaping abuse upon poor blind, brute, senseless, inert "matter." But Priestley was by no means a materialist in the sense in which that word is correctly used in philosophic discussion to-day. It is not merely in the vocabulary of theological abuse that the terms materialism and atheism are closely associated; the opinions which they connote are really linked together

in many ways. In former times it was customary to stigmatize the colossal generalizations of astronomers and geologists as "atheistical," because they substituted divine action through natural law for divine action through supernatural fiat, which had hitherto been commonly regarded as the only conceivable kind of divine action. Nowadays, as cultivated minds are beginning to surmount this old difficulty, the bugbear springs up in a new quarter. Now that we have begun to study psychology after a scientific method, and to derive valuable assistance from the investigation of nerve-cells and nerve-fibers, and now that we have begun to apply to these studies the profoundest generalizations of physics and chemistry concerning the behavior of molecules of matter, we hear so much talk about undulations and discharges and nervous connections that many worthy people seem to be afraid of seeing it proved that we have really no psychical life at all. They are afraid that the human soul will by and by be wholly resolved into an affair of molecules and undulations and unstable equilibria, and so forth; and accordingly all speculations even remotely savoring of physiological psychology, or of the correlation of vital with inorganic motions, are forthwith stigmatized as "materialistic." Even the Darwinian theory of the origin of species is said to be materialistic by implication, inasmuch as it is supposed at some point to derive the human soul from the psychical part of a brute animal, and at some other point to derive the psychical part of the brute animal from something that is not psychical. The common reproach aimed at all such speculations is that in one way or another, either directly or by implication, they all tend toward the interpretation of psychical life as a temporary or evanescent condition of matter, and thus in reality banish soul from the universe. The association in the popular mind between materialism and atheism is here obvious enough, and is easily justified. Philosophical materialism holds that matter and the motions of matter make up the sum total of existence, and that what we know as psychical phenomena in man and other animals are to be interpreted in an ultimate analysis as simply the peculiar aspect which is assumed by certain enormously complicated motions of matter. This is, I believe, a strictly correct description of materialism, as it was held in the eighteenth century by La Mettrie, and as it is held by Büchner to-day. Whoever holds such views as these concerning the rela-

tions of matter and spirit may be properly called a materialist, and no doubt there are many educated people who hold such views, but that the general tendency of modern philosophic thought is toward the adoption of materialism as thus defined, I emphatically deny. On the contrary, it seems to me that the course of modern philosophy is distinctly in the opposite direction, and that materialism is hopelessly behind the age, so that it argues a much more superficial mind and a much more imperfect education to agree with Büchner to-day than to have agreed with La Mettrie a hundred years ago.

Bear in mind that, before a philosopher can be correctly charged with materialism, it is absolutely necessary that he should hold that psychical phenomena—such as love and hate, or the sensation of redness, or the idea of virtue—are interpretable in terms of matter and motion. Nothing short of this will do. It is not enough that he should hold that, along with every emotion, or sensation, or idea, there goes on a change in nerve-tissue which is probably resolvable into some form of undulatory motion; for this is but an amplification of what we all begin by admitting when we admit that during the present life there is no consciousness except where there is nerve-tissue. If it is materialism to say that for every association of ideas there is established a system of paths for discharges between two or more groups of nerve-cells, it is equally materialism to say that a pint of Scotch whiskey will make a man drunk. The former statement enters very much more into detail than the latter, but there is no other essential difference between them. I do not wonder, however, that people's minds are often vague and confused on these points, for our every-day talk is full of materialistic implications. We say, for example, that grief makes us weep, and the statement is true enough for ordinary purposes; but, in reality, it is not the grief that acts upon the tear-glands. The grief is something absolutely immaterial, something absolutely outside the circuit of physical causation. How do we know this? How do we reach such a conclusion? We reach it by applying to the subject the conception of the correlation of forces, and the conception of the atomic constitution of matter,—twin conceptions which lie at the bottom of all our modern scientific reasoning. The material world is all made up of systems of atoms that are perpetually moving in relation to one another. In an ultimate analysis, every material object is such a system of moving atoms.

Every living organism is a system of systems of such atoms, in myriad-fold orders of composition, and with movements definitely coördinated in myriad-fold degrees of complexity. Now, all the motion that goes into any organism, latent in the air which it breathes and the food which it assimilates, must come out again as motion, and what comes out must be the exact equivalent of what goes in. This is what the doctrine of the correlation of forces means when applied to the living organism and to the nervous system. It means, too, that if we were able to trace in detail the career of any given quantity of atomic motion between the times of its entering and its leaving the organism, we should find through all its innumerable transformations an exact equivalence preserved. But this means that the motion must always be a motion of material particles,—something that can be quantitatively measured. Once introduce into the circuit something that does not admit of material measurement, such as a sensation of color, or an emotion of grief, and the whole theory falls to the ground at once.

When a given quantity of atomic motion in the gray surface of the brain is used up, its equivalent must appear in the form of some other atomic motion, and cannot have been a subjective feeling; otherwise it is idle to talk about any correlation and equivalence of forces in the case. There can be no relation of equivalence between a sorrowful feeling, and a motion of matter that can be expressed in terms of foot-pounds. You might as well talk about a crimson taste or an acid sound. When you weep, therefore, it is not grief, but the cerebrum, that acts upon the tear-glands. You say that the grief causes the tears, because you are conscious of the relation of sequence between the subjective emotion and the objective flow of tears, while you are totally unconscious of the molecular movements going on in the brain. But, in reality, the subjective emotion is something purely immaterial, or, if you choose to say so, spiritual, and its relation to what goes on in the brain is merely a relation of concomitance.

I have illustrated this point at disproportionate length, because it is both important and difficult. Until this point is perfectly clear in one's mind, any discussion of the alleged materialistic tendencies of modern philosophy is simply a waste of words. It is very clear that modern philosophy does show a decided tendency toward investigating what goes on in the

nervous system when we think and feel; and it is also clear that modern philosophy considers itself bound to study the nervous system as a material aggregate, with an atomic constitution, and subject to the same physical laws with other matter. I hope I have now made it equally clear that these tendencies of modern philosophy are just the reverse of materialistic. So far from maintaining, as materialism does, that psychical phenomena are interpretable in terms of matter and motion, this modern philosophy maintains that such phenomena are absolutely immaterial,—that they stand, as I said before, quite outside the circuit of physical causation. If the world were peopled with automata, if men had gone on from the beginning like puppets, eating, and drinking, and marrying, working and fighting, exactly as they have done, producing human history in all its details exactly as it has been produced, only without any consciousness, without any sentient life whatever, then materialism perhaps would afford a satisfactory explanation of the world. But the moment the first trace of conscious intelligence is introduced, we have a set of phenomena which materialism can in no wise account for. The latest and ripest philosophic speculation, therefore, as Professor Huxley once remarked to me, leaves the gulf between mind and matter quite as wide and impassable as it appeared in the time of Descartes.

But while materialism is thus more than ever discredited by the dominant philosophy of our time, and while it will no doubt continue to be more and more discredited with each future advance in philosophic speculation, I see no reason why there should not always be a certain amount of materialism current in the world. Very likely there will always be people who are color-blind, and people without an ear for music. So, doubtless, there will always be a class of excellent people with a fair capacity for understanding scientific generalizations, but without any head for philosophy; and this class will produce the Büchners and La Mettries of the future, as it has produced them in the past and present. Thus, one part of my question is disposed of. The philosophy of the future will not be materialistic, and there is nothing in the dominant philosophy of to-day to indicate that religious problems will not continue to be made the subjects of speculation. I recollect once asking Mr. Spencer's opinion on some question of pure ontology. He replied that he had no opinion; not because his mind was necessarily hostile to enter-

taining such questions, but simply because he was so entirely occupied in working out the theory of evolution, in its innumerable applications to the world of phenomena, that he had not time and strength left to expend on problems that are confessedly insoluble. This was the answer of a true man of science; and it is worth repeating for the benefit of those silly people who think it is not enough that Mr. Spencer should have made greater additions to the sum of human knowledge than have ever been made by any other man since the beginning of the world, and complain of him because he has not given us a complete and final system of theology into the bargain. But Mr. Spencer's answer further illustrates very well the philosophic attitude of the present age. The present age is occupied, above all things, in investigating the intimate constitution of the material universe, and tracing therefrom its past history and its future career. The conception of evolution is everywhere being substituted for that of creation; and this involves the most extensive and thorough change that has ever taken place in men's thoughts about the world they live in. For the present, this business absorbs all the most active and original minds, so that no time is left for metaphysical speculations. We are becoming wrapt in the study of origins, as the men of the thirteenth century were wrapt in the study of particulars and universals. But there is no likelihood that this will always be so. By and by all educated people will be evolutionists, and then it will be seen, more clearly than it is now, that while the doctrine of evolution has enormously increased our knowledge of the phenomenal universe, it really leaves all ultimate questions as much open for discussion as they ever were. It is Mr. Spencer himself who has said that every new physical problem leads at once to a metaphysical problem that we can neither solve nor elude. Solve it doubtless we cannot, elude it we also cannot, and so discuss it we will. Such, I presume, will be the course which philosophy will take where religious questions are concerned.

And now we are brought to the other part of my question. Will the time ever come again when men will be absorbed in questions of a transcendental or ontological character, as Aquinas and other great mediæval thinkers were absorbed? It seems to me quite possible that the interest in such matters may again become as intense, though not so exclusive, as it was in the Middle Ages. But if it be asked whether there can ever again be a theological

renaissance of such a character that men shall agree to surrender their right of private judgment on purely religious questions, and accept the teachings of any church, the reply must be that any renaissance of this sort is utterly impossible. The further question, whether unity of belief can ever be secured in any other way, is to be met by the assertion that unity of belief is no longer either possible or desirable. Such a statement as this is very startling, and more or less puzzling, to many people, as I have often had occasion to observe; and when the truth of it has come to be generally and thoroughly realized, it will probably be the greatest step in religious progress that has ever been accomplished. Once, we know, unity of belief was held to be of such supreme importance that the faintest whisper of dissent must be punished with torture and death. I have elsewhere sought to account, on historical grounds, for the existence of this persecuting spirit, as well as for its decline in modern times. In discussing "The Philosophy of Persecution,"* I showed how ancient society was pervaded by an intense feeling of corporate responsibility,—a feeling that the whole community was liable to be punished by the gods for the misdeeds of any one of its individual members. In early times this feeling of corporate responsibility, taken in connection with the barbaric theories of the universe then current, was the mainstay and support of priesthoods. And it was to the persistence of this feeling down through the Middle Ages that the horrors of religious persecution were chiefly due. In a second paper, on "The Historic Genesis of Protestantism,"† I showed that the feeling of corporate responsibility had its legitimate origin in the military necessities of primitive societies. In ages when there were no political aggregations of men larger than tribes, and when the relations between tribes were chiefly those of chronic warfare, a rude and savage discipline, in which the legal existence of the individual was virtually submerged in the interests of the tribe, was absolutely necessary. The feeling that the whole tribe was liable to be visited with defeat or famine or pestilence, on account of sacrilege committed by one of its members, was part and parcel of such a state of society. This feeling of corporate responsibility must have grown in strength through many ages by natural

* North American Review, January, 1881.
† North American Review, April, 1881.

selection, as those tribes in which it was most effectively developed must in general have shown the highest capacity for social organization, and must have exterminated or enslaved their neighbors. Having so long been favored by natural selection, the feeling of corporate responsibility for conduct and opinion became so deeply grounded in men's minds that it long survived the stage of social development in which it had its origin. Most conspicuous and terrible of the consequences of this deeply rooted feeling has been that fanatical craving for unity of belief in religious matters which has been the source of some of the worst evils that have afflicted mankind. But among the many changes which have affected the relations of the individual to the community, with the growth of great and complex modern societies, there has come the gradual substitution of the idea of individual responsibility for that of corporate responsibility. From this point of view, the Protestantism of Luther is significant mainly as a revolt against primeval notions of the relations of the individual to the community, which have long since survived their usefulness. Obviously, the disintegration of orthodoxies which characterizes the present age is simply the further development of the same protest in behalf of individual responsibility for opinion. And to those who take any interest in the present discussion, I hardly need argue that any revival of the methods of Catholicism could never occur, except as the concomitant of a wholly improbable retrogression of society toward the barbaric type. The very conception of an infallible church is so clearly a survival from primitive religious ideas, that to imagine such an institution presiding over the society of the future involves a most grotesque anachronism. Nevertheless, the uses of the Catholic Church are such that it is likely still to survive for a very long time, though with diminishing influence; and as it affords a refuge for such earnest and thoughtful souls as find the atmosphere of free discussion too bracing, it will probably long continue to receive accessions from the ranks of the various Protestant orthodoxies that are now so rapidly disintegrating.

With the fading away of the old notion of corporate responsibility for opinion, the value attached to unity of belief has greatly diminished, and attempts to secure such unity by violent means have become generally discredited. It is at last beginning to be apprehended that if unity of belief is to have any real value, it can only be when it is the result of the free working of

different minds. But unity of belief in religious matters is not very likely to be reached in any such way, for the conditions of the case are totally different from those of scientific discussion. The difference may be best appreciated by recalling the useful distinction drawn by positivism between science and metaphysics. According to positivism, the essential distinction between a scientific hypothesis, such as the undulatory theory of light, and a metaphysical hypothesis, such as the Leibnitzian theory of preëstablished harmony, is that the one admits of verification—whether by observation, experiment, or deduction —while the other does not. Or from another point of view, the one may be made a working hypothesis from which independent inquirers may arrive at mutually congruous results, while the other cannot. This distinction is one of the very few points made by positivism which have been generally adopted into modern philosophy; but the use which positivists have made of it is by no means philosophical. Comte himself set an inordinate value upon unity of belief, and in this his disciples have generally followed him; and the way in which they propose to secure such unity is simply to ignore all problems whatever in which scientific methods of demonstration are not accessible. This seems like paying an exorbitant price for a privilege of very doubtful value. But without following the positivists in this, we may admit the usefulness of their distinction between problems that transcend the limits of scientific demonstration and problems that lie within those limits. Clearly, if I hold one opinion concerning the passage of light through certain crystals, and my neighbor holds a different or contrary opinion, I am entitled to expect either that he can be brought to adopt my opinion, or that I can be brought to adopt his. Means of verification must exist; and even if the question cannot be settled to-day, we have no doubt that it can be settled by and by. But if I hold one opinion concerning the conscious existence of the soul after death, while my neighbor holds a contrary opinion, I am not entitled to expect that we can ever be brought to an agreement. For the question confessedly transcends the limits of scientific demonstration. Yet in spite of all that, one of our contrary opinions, and possibly both, may contain some adumbration of a truth. And more than a faint glimmering of truth we can hardly expect to be contained in any of our opinions on religious matters, for the problems are too vast when compared with our

means of dealing with them. Hence, instead of condemning variety of belief on such subjects, we should rather welcome each fresh suggestion as possibly containing some adumbration of a truth which we have hitherto overlooked.

And thus we arrive at last at the true lesson of Protestantism, which is simply this: that religious belief is something which in no way concerns society, but which concerns only the individual. In all other relations the individual is more or less responsible to society; but, as for his religious belief and his religious life, these are matters which lie solely between himself and his God. On such subjects no man may rightfully chide his neighbor, or call him foolish; for, in presence of the transcendent Reality, the foolishness of one man differs not much from the wisdom of another. When this lesson shall have been duly comprehended and taken to heart, I make no doubt that religious speculation will continue to go on; but such words as "infidelity" and "heresy," the present currency of which serves only to show how the remnants of primitive barbaric thought still cling to us and hamper our progress—such words will have become obsolete, and perhaps unintelligible, save to the philosophic student of history. In discussion conducted in such a mood there will, no doubt, be a great lack of finality. But the craving for finality is itself, in various degrees, an instinct of the uneducated man, of the child, of the savage, and perhaps of the brute. To feel that the last word has been said on any subject is not a desideratum with the true philosopher, who knows full well that the truth he announces to-day will open half a dozen questions where it settles one, and will presently be variously qualified, and at last absorbed in some wider and deeper truth. When all this shall have come to be realized, and shall have been made part and parcel of the daily mental habit of men, then our human treatment of religion will no longer be what it has too often been in the past,—a wretched squabble, fit only for the demons of Malebolge,—but it will have come to be like the sweet discourse of saints in Dante's Paradise.

JOHN FISKE.

LAW FOR THE INDIANS.

"THE Indian commands respect for his rights only so long as he inspires terror for his rifle."—GENERAL CROOK.

IT may be presumed that the late Secretary of the Interior has given us the ultimate results of his experience with Indian affairs in his recent article in THE NORTH AMERICAN REVIEW. He has vividly stated the difficulties of the problem, has shown where the blame for the starting and continuance of these difficulties is to rest, and has acknowledged manfully that the Government as now exercised cannot reasonably be expected to accomplish a full solution of the question. His article was perhaps called forth by the peculiar interest on the subject which has recently appeared in almost all parts of the country, as he refers to the advocates of the movement to secure law for the Indians as "some sincere philanthropists" and "that class of philanthropists who, in their treatment of the Indian Question, pay no regard to surrounding circumstances." The views and aims of the friends of this movement have not received, perhaps, as full statement and vindication as they deserve,—they certainly suffer somewhat by disparagement in the article to which reference is made: consequently a fair hearing may not be regarded as undue or unnecessary.

That Law is the solution of the Indian problem would seem to be a self-evident proposition, yet this is persistently ignored by Mr. Schurz.

"I am aware," he says, "that I have not discussed here all points of importance connected with the Indian problem; such, for instance, as the necessity of extending the jurisdiction of the courts over Indian reservations, bringing the red men under the protection as well as the restraints of the law, etc. It has been my purpose merely to set forth those important points which, in the practical management of Indian affairs, should be steadily kept in view." It would seem from this that the confessed

necessity of extending law to the Indians is not regarded as belonging to the "practical management of Indian affairs."

What then, we ask, is "practical," and what "theoretical," in the policy of the Government toward its wards?

Columbia thus speaks to the Indian:

Theoretically. "You need the protection as well as the restraint of just and equitable laws."

Practically. "This you might have were it not for the unfortunate circumstance that you are not a person. When some philanthropists in an out-of-the-way village appealed on your behalf to the courts, it was necessary for me to send a lawyer to argue that you have no personality. When I was beaten, I could not consent to have the suit taken to the Supreme Court of the United States, as that would have made protection of Indians a law of the land."

Theor. "You have rights that I am bound to respect."

Prac. "But these rights may be ignored so easily, under certain unfortunate statutes of 1789 and 1873, that I find it impossible to respect them."

Theor. "You own your land. I have secured it to you by most solemn treaties. I have acknowledged your title to it on many occasions."

Prac. "You cannot sell your land—except to me. In addition to this, when a party of greedy miners or homesteaders clamor for your possessions, saying that you interfere with the progress of civilization, I am in duty bound to rob you of your land and move you out of the way, even against your consent."

Theor. "A corporation may be held responsible for the actions of its agents."

Prac. "You must not imagine that I can be held responsible for the misdeeds of my inspectors or agents. If those placed over you appropriate your funds, all that I can do is to remove them and put the political friends of some other senator in their places."

Theor. "You have a certain degree of intelligence—sufficient to make treaties."

Prac. "If I find, in my superior wisdom, that certain treaties are better broken, you have not sufficient intelligence to place any obligation upon me to keep my stipulations. Hush! You must not clamor for legal protection—that can only come as you advance in intelligence. Continue as you are: rob and be robbed,

kill and be killed—the conflict can result in only one way; and if you succeed in attaining a certain standard of education and docility before being exterminated, I will extend over you the jurisdiction of the courts."

This does not seem to us to caricature, in the slightest degree, the difference between the professions and the practice of the Government. And it seems to us that the difficulties in the control of Indian tribes, which make this difference almost necessary, can never be removed until the protection of our law is accorded to the red men.

The first great difficulty mentioned by Mr. Schurz is the adjusting of complaints between the frontiersmen and the Indians. The blame of many of the conflicts between the Government and its wards is rightly laid upon the miners and homesteaders who encroach upon the possessions of the Indians. The wide-awake prospector knows perfectly that, if a lead runs into an Indian reservation, he may follow it beyond the line without danger of being successfully prosecuted for infringement. The restless and unscrupulous squatter in Northern Nebraska or Southern Dakota knows perfectly that the horses of the Russian who lives just to the east of him may not be stolen with impunity, but that the ponies of the Indian residing just to the west may be appropriated and the owner can make no appeal to the law—indeed, can only secure his property by stealing it back. And in this transaction should a squabble occur, the only result, in all probability, would be that a hue and cry would be raised in the land against the Indian, so that his removal would be more speedy and inevitable.

All this the late Secretary of the Interior acknowledges to be true, but he will not admit that it results from the lack of that legal protection which, in a practical management of Indian affairs, he places in the background. He does not seem to regard the fact that seems so plain to us, that it is absence of law that places a premium upon the spoliation of the red man. At one moment he seems very near this thought: "It is a well-known fact," he says, "that the frontiersman almost always looks upon Indian lands as the most valuable in the neighborhood, simply because the Indian occupies them, and the white man is excluded from them." But upon the next page he reveals the pitiable weakness of the present system of conducting Indian affairs: "It would be difficult to convince" many of the frontiersmen

"that it is a crime to kill an Indian, or that to rob an Indian of his lands is not a meritorious act." So it would be difficult, were there no law against theft, to convince the next fellow who purloins a suit from the clothier's that his action was a crime. But has the law of the United States lost its majesty and power? Can it not, by a wholesome example or two, "convince" any criminal of his crime, and any murderer of the penalty attached to his act? Have the inducements of society—even frontier society—to cling together in the enforcement of law lost their efficacy? Truly, in the protection of Indians by our United States courts, grave difficulties would doubtless arise, growing out of this prejudice against the red men. But if our position is well taken,—that this very prejudice owes its origin to the absence of law,—it might be expected quite rapidly to disappear, now that law would be present. The same complications have been observed to exist in several instances in the past—in the early days of the Anglo-Saxon race, as well as in the case of the black and yellow races in our own land; but as these have disappeared, or give promise of so doing, it needs but the same public sentiment to accomplish a like result for the red men.

It seems to us, furthermore, that what the late Secretary says concerning the use of our army in the management of Indian affairs advertises a singular weakness on the part of our Government. He states that, when collisions occur between the settlers and the Indians, an appeal is made by the white men to the Government, and of course our troops are engaged upon their side. No investigation is made into the causes of the conflict,—in a majority of instances, as is freely admitted, the Indians are the original sufferers,—but in obedience to a certain infatuation of precedent the forces of our nation are commanded to advance against the red men. All of our prominent officers who have been called upon to fight upon the frontier have protested, as is well known, against this barbarous policy. The noble, passionate outcry of General Crook, in view of the massacre of the Cheyennes at Fort Robinson, by command of a United States officer, is simply one example in a hundred of what those who know most of border conflicts feel. Why must the power of the United States be exercised always upon the side of the whites, even when the Indians are in the right? Shall the means that every white man, native or foreign, finds so available for his protection in this country be denied to the original owners of

the soil we now possess? These questions are not the outcries of sentimental philanthropy, it seems to us, but the suggestion of the very first thing to be regarded in the practical management of Indian affairs.

Let us take two notable examples in which an appeal to the law would, in all probability, have saved, on the part of the United States, a costly and bloody war or an expensive settlement, and, on the part of the Indians, much suffering. The first case is that of the Utes in Colorado. According to the claims of these Indians, the cause of their outbreaks, which resulted in the death of Thornburgh and Meeker, was the suffering caused among them by the culpable neglect of the Government to supply them with food. That their statements were true we have the most explicit testimony of their agent, E. H. Danforth (1877):

"The annuities and supplies furnished these Indians amount to not over one-half that required for their support. None of their annuity goods (and but part of their supplies) have reached this agency during the year. Goods purchased in August of last year have been lying in the railroad depot, one hundred and seventy-five miles away, since November last, a period of over nine months. Flour purchased the first of June is still at Rawlins. No clothing, blanket, tent, implement, or utensil of any kind has been issued at this agency for nearly two years; no flour, except once,—fifteen pounds to a family,—since last May. In addition to the usual proportion of their subsistence, which the Indians provide for themselves, they have had this great deficiency to make up, in whole or in part, some way."

To this testimony may be added the fact that, during the winter preceding the Ute outbreak, dispatches were sent to Omaha detailing the almost famishing condition of the Indians, and begging for aid. The Utes endured this state of affairs with singular patience for about two years. Mr. Meeker himself testifies to the generally peaceable character of the Indians under him: "These Ute Indians are peaceable, respecters of the right of property, and, with few exceptions, amiable and prepossessing in appearance. There are no quarrelsome outbreaks; no robberies; and, perhaps, not half a dozen who pilfer, and these are well known." This being the general character of these Indians, it seems to us a most reasonable proposition that if the Utes had been allowed to go into the nearest court and lay claim to the property, confessedly theirs, lying wasting at Rawlins, the outbreak would have been avoided, and the lives saved.

The other case, out of hundreds that might be cited, is that of the Poncas. Whatever sentimentality the "certain philanthropists" have been guilty of, it may be fairly claimed for them that in showing up the Ponca case a grievous system of wrongs has been so effectually disclosed that no inspector will ever again attempt the removal of a tribe of Indians against their will. The fruits of our unjust treatment of the Poncas were: The loss of nearly three hundred lives out of the seven hundred and seventeen Poncas who, in the spring of 1877, were living happily in their homes in Northern Nebraska and Southern Dakota; the loss of one manly Indian, shot down in cold blood, because of his natural desire to return to the home of his fathers; and the paying out of more than $200,000 from the funds of the Government in expenses of removal and in settlement. Now, let us suppose that when Colonel Kemble appeared with his soldiers upon the Ponca reservation, and insisted that the Indians should leave their homes, it had been the privilege of the chief of the tribe to sue out a writ of ejectment, and put the intruders off, where would have been the occasion for further trouble? Every one admits that the removal of the Poncas was sheer robbery—an unblushing outrage.

It is very important to observe that granting to Indians the protection of law does not necessarily imply making them citizens at once. Secretary Schurz seems to regard this as our immediate object, since he says: "The end to be reached is unquestionably the gradual absorption of the Indians in the great body of American citizenship. When that is accomplished, then, and then only, the legal status of the Indian will be clearly and finally fixed. But we should not indulge in the delusion that the problem can be solved by merely conferring upon them rights they do not yet appreciate and duties they do not yet understand." Then the writer proceeds to put upon paper a very subtle contradiction of himself. Upon page 8 of his article there are the following statements:

First. Indians ought not to have *full* citizenship at once.

Second. They should at once have that part of citizenship which would give them standing in the courts necessary for protection.

Third. As they should have full citizenship finally, the Government should prepare them for it.

Fourth. To do this the Government should have absolute power, "a sort of omnipotence on earth." For this purpose the

Government must continue its policy of exercising care and guidance through commissioner and agents, as the Indians are "accustomed" to this.

It is easily seen that this "omnipotence upon earth" would effectually do away with the second statement made above, since there would then be no place for the enjoying of that part of citizenship which would give the Indians a standing in the court. And when we take this advocacy of "care and guidance" with the previous statement of the article that the Government "has frequently tried, in good faith, to protect them against encroachment, and almost as frequently it has failed," and "the Indians will be hunted down at whatever cost," the self-contradiction of the present policy of the Government becomes apparent.

We wish to relieve Secretary Schurz from his dilemma. We wish to show the Government a way out of its embarrassment. This is not impudent egotism on our part, for we point simply to the historical fact that law has always availed to settle and civilize society. As "care and guidance" have confessedly failed, why not associate with them the protection of law? We desire simply to hold Secretary Schurz to his statement: "They should certainly have that standing in the courts which is necessary for their protection." We are far from advocating that they should immediately be endowed with full citizenship. They may have a part of this great privilege without the whole. A child may enjoy the protection of the law, a woman may appeal to our courts, an Englishman traveling through our country may claim redress for injuries, although none of them could vote. The Indian would, therefore, not occupy an anomalous position if he should be admitted to the United States courts, though for the time, or until he possessed statutory qualification, debarred from the full rights of citizenship.

The argument we draw from the Canadian Government's management of Indians is mentioned by Mr. Schurz. He seeks to destroy its force by urging that in that country there is no strife for land. The white man there never imagines that he can despoil the Indians of their possessions and run no risk of punishment. There is the most peaceful contact between the two races. The Canadian Government is not troubled with the frequent Indian outbreaks that have constituted the painful history of our frontiers. This is the fact, and Secretary Schurz endeavors to explain it by declaring that the Canadian Govern-

ment works "under conditions far less difficult" than those imposed on ours. "The number of their Indians is much less, and their unoccupied territory much larger." "Their agricultural settlements advance with far less rapidity than ours. There is far less opportunity for encroachment." But all this does not seem to us an adequate explanation of the lack of strife for land. There is certainly in Canada *some* "opportunity for encroachment," although far less than in this country, and the fact that this encroachment does not occur is significant. When the opportunity for encroachment in this country, in its early history, was "far less" than it is at present, white encroachment was the order of the day. Mr. Schurz himself testifies that, even in the most sparsely settled portions of our country, white men clamor for the Indian's land, for no other reason than that it belongs to the Indian. There must be some other explanation of the absence of strife for land in Canada than the mere fact that land is plenty. It seems to us that a far more reasonable explanation of this harmony between the races is the far greater legal privilege enjoyed by the Indian in Canada. There he is regarded as a *person* before the law. If he commit a crime he is held individually responsible for it: but here the entire tribe is made chargeable for the misdeeds of its members. In our daily papers, a year since, an account was published of how a half-dozen of the mounted police of Canada rode into Sitting Bull's camp demanding the surrender of certain Indian criminals, and they were delivered up to justice. If they had not been found, the policy of the Canadian Government would not have permitted that their innocent tribesmen should be held responsible. This seems to us the only reasonable policy. Fifth Avenue shall not be hung for the murders of the Five Points. But in the United States, the Indians have been punished by tribes for the misdeeds of individual offenders. The removal of Joseph's band, and the war against the entire tribe of Utes, are notable examples. That in Canada a half-dozen policemen secured the ends of justice and obviated an Indian war, while our army could not manage Sitting Bull on this side the border, must be regarded as a striking illustration of the advantages to be gained by extending the jurisdiction of the courts over our Indian population.

Besides this treatment of the Indian as individually chargeable for his crimes, there is this other advantage in the policy of the Canadian Government: he enjoys far greater privileges of

protection in the courts. This seems to us an adequate explanation of the absence of strife for land. There is no conflict between the white men and the Onondagas in New York State, simply because the Indians have the protection of the State laws. No white farmer of that State imagines that he can deprive the Indian of his farm or rob him of his stock. There is no strife for land—not because there is little "opportunity for encroachment," but because the Indians have the protection of law. If the United States law, which has sway in the Western States and Territories, might in like manner recognize the Indians as *persons*, the strife for land would soon cease. The extent of the Indian's possessions is not a factor in the question, because the Onondaga might be supposed to have a thousand acres and the white man but three, but the case would not be altered before the laws of New York.

In instituting this comparison between the policy of the Canadian Government and that of our own, the significant words of Sitting Bull and other Sioux to the Commission sent to treat with them are not without force. This Commission proceeded to Canada, and at Fort Walsh met with the Sioux. The answer of Sitting Bull to the representatives of General Terry was: "For sixty-four years you have kept me and my people, and treated us bad. What have we done that you should want us to stop? We have done nothing. It is all the people on your side that have started us to do all these depredations.* We could not go anywhere else, and so we took refuge in this country." Nine, a Yankton, said: "Sixty-four years ago you got our country, and you promised to take good care of us and keep us. You ran from one place to another, killing us and fighting us. You did not treat us right over there, so we came back over here. I

* That Sitting Bull told the truth let General Sherman testify: "If the lands of the white man are taken, civilization justifies him in resisting the invader. Civilization does more than this: it brands him as a coward and a slave if he submits to the wrong. If the savage resists, civilization, with the Ten Commandments in one hand and the sword in the other, demands his immediate extermination." "Among civilized men, war usually springs from a sense of injustice. The best possible way, then, to avoid war is to do no act of injustice. When we learn that the same rule holds good with Indians, the chief difficulty is removed. But it is said our wars with them have been almost constant. Have we been uniformly unjust? We answer, unhesitatingly, yes." These words were also subscribed to by General Terry, the very man to whom Sitting Bull spoke in Canada.

come in to these people here, and they give me permission to trade with traders. That is the way I make my living." Even a squaw spoke to the Commission: "I came over to this country to raise my children and have a little peace." These Indians seem to have been well pleased with the difference between the Canadian policy and ours; and it is a fact that, when a threat was recently uttered to the Omahas that they would speedily be removed to the Indian Territory, certain of the more intelligent members of the tribe declared that they would take refuge under British law.

The larger proportion of Secretary Schurz's article, however, is taken up with a discussion of the three elements entering into his programme for the elevation of the Indians. With his wise and humane suggestions we have not the slightest quarrel. But we do most earnestly insist that, upon the testimony of the agents in every part of our Indian country, it has been shown that the three things he advocates can only be secured, in any worthy degree, by the immediate extending of legal protection to those we desire to benefit. Let us have recourse to the candid words of those who know most, by personal contact, of Indian affairs, taking our quotations directly out of the official records.

The first element in Secretary Schurz's programme is "that they be taught to work by making work profitable and attractive to them." This is certainly a most wise and necessary suggestion. And it is encouraging to know that there is in the Indian, the prevalent opinion of white men notwithstanding, a natural desire and aptitude for labor. To show that this is the case, let us quote the testimonies of the men in charge of different agencies:

"Many of them are now trying to cultivate patches of land along the little streams adjacent to the agency. Some of them have used their hands for shovels and hoes, and have shown them to me, worn and bleeding."—*James Irwin, Agent, Red Cloud, Neb.*, 1877. .... "The Yanktons, now, are very ambitious to raise wheat, and have been breaking much land this summer, for next year's crop. Besides, they are cutting a very large amount of grass, to supply their stock with hay the coming winter, exhibiting, in this way, more than ever, providence and thrift."—*J. W. Douglas, Yankton Agency, Dakota*, 1878. .... "In passing through the reservation, it looks like a settlement of well-to-do frontier farmers."—*James McLaughlin, Agent, Sioux, Dakota*, 1878. .... "Those Indians located on small tracts of land are usually considerate of their farming interests. Some are even models of industry."—*C. G. Belknap, Jule River Agency, Cal.*, 1878. ...."They have exemplified their willingness to work, and during all their adversity have manifested a courage not more than equaled by the strongest-hearted white man in the land."—*James I. Patten, Shoshone and Bannock Agency*, 1877. ...."The Indians appear very

much delighted with having plenty of land to cultivate in future, and have shown a determination to work their farms this season to the best of their ability."—*W. T. Hughes, Standing Rock, Dakota*, 1877. ...."The entire work of this agency is performed by Indians and half-castes."—*J. G. Gasmann, Yankton, Sioux*, 1877. ...."The Indians of the agency are now living upon their farms, and cultivating their lands, and following the avocation of farmers, much the same as white farmers, on a small scale, the average number of acres cultivated by a single Indian or family being from twenty-five to fifty acres, while quite a number of them cultivate as high as fifty to one hundred acres."—*T. B. Sinnot, Grand Ronde Agency, Oregon*, 1878. ...."With much pleasure and pride I was enabled, last year, to speak of a marked increase in the spirit of thrift, as shown in efforts put forth by the Oneidas, in enlarged farms and more careful attention to their crops than in previous years. This year the increase is still more noticeable, and their improvement in this respect is worthy of much commendation, and great cause of rejoicing among the friends of the Indians; and while they keenly feel the injustice done them by the inaction of the Government in not providing for the allotments of their lands and granting them citizenship, which they often and loudly call for, they have industriously sown their seed, and are now reaping a bountiful harvest as a result of their labor."—*J. C. Bridgman, Green Bay Agency, Wis.*, 1878.

This being the uniform testimony of the Indian agents, the question arises: Wherein lies the necessity of recommending that this labor be made profitable and attractive to them? What circumstances are there in the case rendering their work unprofitable and unattractive? They seem to have ordinary industry; why may they not reap the benefits which naturally result from toil and the real enjoyment that comes with it? Let us see if the agents throw any light on this subject.

J. W. Douglas, Yankton Agency, Dakota, 1878, says:

"Contrary to the popular impression, I believe that the Indian will work patiently and continuously, if the fruits of his labor are secured to him."

To the same effect are the words of Isaiah Lightner, Santee Agency, Nebraska, 1878:

"They have broken four hundred and sixty acres of new land during the past year, and are taking an increased interest in their farm work. This has been brought about by the hope that Congress will pass an act allowing them to take homesteads on these lands that they are improving."

From these testimonies we are led to infer that there is some subtle difficulty in the way, so that the Indians have no assurance that they shall be allowed to enjoy the benefits of their toil. They seem to be haunted with the apprehension that, although they plant vineyards, another race shall eat of the fruits thereof.

Surely their past history has not tended to remove this apprehension. In the past their toil has been decidedly unprofitable and unattractive, owing to the absence of protection by law. Who could be "taught to work" when he knows, by the history of a hundred years, that the products of his labor will be appropriated by his enemies? The Poncas, for example, had several hundred acres under cultivation, but their rejoicing in their labor received a sudden check on their removal by force to the Indian Territory. And when Secretary Schurz, writing of their attempt to bring their case into court, declared, in a published deliverance, "Such a suit cannot be brought at all"; and "The bringing of the Ponca case into the courts is impossible"; and that such a philanthropic desire as protecting the Indians by law is "unattainable," who can blame the Poncas for regarding their toil of years as unprofitable and unattractive? To remove these negative prefixes to the Secretary's chosen adjectives, it is simply necessary to endow the Indians with the protection of law. That this is almost a self-evident proposition, let the agents testify. When the question was asked by the Government, "What are the impediments to the progress of Indians in self-support?" the agents unanimously replied: "Failure of Government to fulfill its promises in regard to land; frequent removals; *need of law;* unsettled state of the Indian question; fear of removal."* How could a race of people, under these discouragements, be expected to advance? How can the case be remedied save by supplying the defect? President Seelye, of Amherst, when speaking of this very subject, declared: "Our great trouble has been that we have sought to exact justice from the Indian while exhibiting no justice to him." The same careful student says, in another place: "The Government of the United States, which has often plighted its faith to the Indian, and has broken it as often, and, while punishing him for his crimes, has given him no status in the courts except as a criminal, has been sadly derelict in its duty toward him, and has reaped the whirlwind only because it has sown the wind."

General George Crook, an authority upon all matters of Indian policy, says, in a letter published Oct. 16, 1879, in the New York "Tribune":

"When the Indian's horses and cattle are big enough to be of service, they are driven off in herds by white renegades; when his wheat and corn and vege-

*Report Interior Department, 1878, p. 675.

tables are almost ready for the market, his reservation is changed; and sometimes, as in the case of the Poncas, he is compelled to abandon everything. Were we to treat some of our foreign immigrants in such a manner, it would not take long to turn them into prowling vagabonds, living by robbery and assassination."

Is there need of further evidence that the want of law is the secret of this difficulty in the matter of labor? We find it in the reports of the Indian Commissioners. Thus, the report for the year 1877 recommends "a code of laws for Indian reservations, and appliances for dispensing justice, neither of which at present have any existence." It goes on to say that "there is no act of Congress which deals with the punishment of crimes against person or property (within the meaning of the common law as distinguished from statutory crimes against the United States) committed by or against Indians within the boundaries of an Indian reservation."

The report of Bishop Hare, who has seen much of the practical working of Indian affairs, in a residence of many years upon the frontiers, is of great value:

"Wish well to the Indians as we may, and do for them what we will, the efforts of civil agents, teachers, and missionaries are like the struggles of drowning men weighted with lead as long as, by the absence of law, Indian society is left without a base."

And to his testimony may be added the words of two agents, situated in widely distant parts of our country, as they speak of the one thing which discourages Indian labor:

"They are not legal tenants; they cannot make legal contracts, or collect their wages by a suit at law."—*J. E. Colburn, Agent, San Bernardino*, 1877. .... "I believe it to be of the utmost importance that Congress at once extend over Indians the jurisdiction of United States courts. Indians should be given to understand that they cannot commit crime and go unpunished; and, on the other hand, that they will be effectually protected by the Government in life, liberty, and property."—*H. F. Livingston, Agent, Dakota*, 1877.

But let us not form any hasty conclusion. Let us hear what this man from New Mexico has to say:

"It is not the fault of these Indians that they are not, to-day, self-supporting. They have been left by the paternal Government without a home, and compelled to become wanderers, by being driven from place to place, when they have attempted to locate and cultivate the soil. They have, through me,

been for almost four years begging for a home—a place where they could farm and have schools for their children. It has thus far been denied them." —*S. A. Russell, Abiquin Agency, New Mexico,* 1878.

How singular that, under such circumstances, toil should be unattractive to them! But let us hear further testimony:

"I am satisfied that some of the complaints originate in the desire of certain parties to create a sentiment unfavorable to the Indian, and precipitate a trouble which may be made the occasion of depriving the Indians of some of their rights."—*E. H. Danforth, Agent Utes,* 1877...."If these Indians ever go on the war-path, it will be from encroachment on their reservation."—*Geo. W. Frost, Crow Agency, Montana,* 1878...."A failure on the part of the Government to keep faith with the Indians is the cause of most of our troubles with them."—*J. L. Burchard, Agent, Round Valley, Cal.,* 1877.

The following example is perhaps not the less forcible from the circumstance that the writer expresses himself in a sarcastic vein:

"From the best information I have been able to gather on the subject, I incline to the belief that the natural resources of the reservation are totally inadequate to the support of the tribe; in which opinion I am sustained by all intelligent persons who are conversant with its features. Now, the Navajo would not exchange his desert home for the most favored spot that could be selected elsewhere; and if this reservation is found to be too limited for his necessities, why not give him more desert? Cannot our Government afford to be a little magnanimous, and give to a peaceable and industrious tribe of Indians a few more square miles of barren sands? But I suppose it would be worse than folly to ask more territory for any tribe, however deserving, from a Government that does not secure to the Indian the peaceable possession of lands already guaranteed to him by solemn treaty stipulation."—*John C. Pyle, Navajo Agency, Arizona,* 1878.

All these examples are adduced to show that the making of labor attractive to the Indian can only be secured by extending to him the protection of law, by which his life, his possessions, his permanent residence in a particular locality, shall be assured to him.

So long as the Indians are given to understand that they are but temporary residents on the lands they have hoped to possess permanently, who can expect labor to be "attractive" to them? And so long as white depredation goes on unchecked by legal protection, toil can surely never be "profitable." Let us see the manner in which, under the "care and guidance of the Government," the efforts of the Indians have failed to remunerate them in the past:

"Large trespasses have been committed, from year to year, upon these lands, to which the attention of the proper officers has been called; but still the work of robbery and destruction goes on unchecked."—*Geo. W. Lee, Mackinaw Agency, Michigan,* 1878. ...."The Indians are much discouraged by these raids, and seem to think too little effort has been made to recover their property."—*P. B. Hunt, Kiowa and Comanche Agency,* 1878. ...."The white settlers alluded to in my first annual report still remain on the reservation, being located on their several claims, increasing their stock and improvements, and, of course, still further encroaching on the Indians' rights."—*James I. Patten, Shoshone Agency, Wyoming,* 1878. ...."The cutting of cord-wood on this reservation by white men, to fill Government contracts and supply steam-boats, has provoked a very bad feeling among our Indians."—*W. T. Hughes, Agent Standing Rock, Dakota,* 1877. ...."Depredations by horse-thieves have been frequent and grievous. Many have lost their entire stock."—*A. C. Williams, Agent Wichitas,* 1877.

Does it not seem that the very first thing to be done in order to carry out Secretary Schurz's humane proposition in regard to Indian labor is to remove the premium placed upon the spoliation of the red men by denying them an appeal to our courts? And this necessity becomes still more apparent when we consider how, in the changeable policies of successive Congresses, the rights of our wards are apt to be sadly ignored. Let us have an example or two of this:

"These people also claim to have been overreached in a more recent act of Congress (passed in 1870), wherein provision was made for the disposition of their entire diminished reserve in Kansas. This law gives (without consideration to the owners) to the State of Kansas every sixteenth and thirty-sixth section of land for school purposes. This grant amounts to nearly four hundred thousand acres. The Indians are not disposed to question the right of the general Government to extend educational aid to the newly settled States of the West, but they do question the propriety of such magnificent donations made by a great Government to a wealthy State, at the exclusive expense of a weak, dependent tribe of Indians, themselves the wards of said Government."—*Cyrus Beede, Agent Osages,* 1877. ...."The most damaging effects have heretofore resulted from broken promises made by the Government and its officials, causing the greater part of the troubles with the Sioux since the treaty of 1868. It is true the Government has spent large sums in feeding them, but it has driven them, contrary to treaty promises, from place to place, each time taking more of their territory, until nothing is left them but the 'bad lands.' The military has taken an immense number of arms and horses from them, and promised to return their value in cows."—*James Irwin, Red Cloud Agency, Dakota,* 1878.

There is no more reason, under proper legal protection, for such things to occur to the Indians than there is that Maine or Ohio should be robbed of half its rightful territory by the

caprice or blundering of the general Government. A very patent case, in which this is shown, is described as follows:

"It was hoped by selling one hundred and twenty thousand acres of the reservation, as provided by a bill enacted for the purpose in 1876, that sufficient would have been realized from the sale before this time to place the tribe on a comfortable footing, financially, and to pay for many needed improvements. But, as is often the case, where the property of Indians is at stake, through a lameness in the law, or a misinterpretation of its provisions, the Indians have realized nothing from the intended sale. While, at the same time, the larger part of the land is occupied by squatters, towns have been planted, villages are growing up, and the mart of trade has been opened upon it, yet but few, comparatively, have signified any intention of paying for the lands they occupy, and those who would be purchasers are debarred by such occupancy."—*J. W. Griest, Otoe Agency, Neb.*, 1878.

There is no need of multiplying examples. The fact is that the Indians are discouraged in any attempts toward self-support by the lack of legal protection. Iron Eye, an educated Omaha, made quite a sum of money by merchandising. This he loaned to white men, taking their notes. But he has been defrauded of every cent, because he is an Indian and cannot bring suit to recover his money. This is a very simple case, involving only a few hundred dollars, but the same lack of personality before the law has kept thousands of Indians from recovering their rightful possessions, and has tended to make labor exceedingly unattractive to them. With reason does Mr. Rinehart, agent at Malheur, Oregon, ask: "Is it sensible to expect the Indian to feel like a man when he is forced to continue the life of a beast, placed under a galling restraint, and allowed a ration so scanty as to put him in the position of a half-fed pauper?" And speaking of this very subject, Hon. Horatio Seymour, a wise and thoughtful student of Indian affairs, has declared as the secret of the whole difficulty: "Every human being born upon our continent, or who comes here from any quarter of the world, whether savage or civilized, can go to our courts for protection—except those who belong to the tribes who once owned this country. The cannibal from the islands of the Pacific, the worst criminals from Europe, Asia, or Africa, can appeal to the law and courts for their rights of person and property—all, save our native Indians, who, above all, should be protected from wrong."

The second point in Secretary Schurz's programme of reform is "that they be educated, especially the youth of both sexes."

In this respect, great progress has already been made, and the "certain philanthropists" to whom Secretary Schurz appealed for aid in this work, through the columns of a New York paper, would heartily render any assistance in their power. But we find that education among the Indians has been seriously hampered by the same legal disability that has, as we have seen, interfered with their progress in love of labor. The history of every enslaved race has shown that there can be very little incentive to education and progress so long as the student's personality and manhood are ignored. And, although the number of applicants for school privileges is larger now than ever before, the Indians are not an exception to the rule that an oppressed man naturally resists the ways and custom of his oppressor. An educated Indian is no nearer legal protection than the most ignorant of his tribe—his superior culture only serves the purpose of rendering his deprivations more galling.

Let us see if the official records bear us out in this conclusion. Mr. S. W. Marston, Muskogee agent, Indian Territory, declares that his great difficulty in leading Indians to higher attainments in education and refinement is as follows: "If a white man sees fit, in his depravity, to infringe upon the rights of an Indian, or to violate his pledge or contract with him, he has no redress whatever, as there is no tribunal to which he can appeal for justice." Speaking of the discouragements he has had in a life-long effort to aid the Indians by education, Bishop Whipple says: "The Indian is the only human being within our territory who has no individual right in the soil. He is not amenable to or protected by law. The *man* has no standing before the law. A Chinese or a Hottentot would have, but the native American is left pitiably helpless." In reply to inquiries sent out to all agents to ascertain to what the illiteracy of the Indians is due, thirty-three responded "lack of facilities," six "aversion," and nine "both"; while in every case where the details of this "lack" and this "aversion" are given, the cause is seen to be want of legal status. By the treaty of 1876, the Sioux were promised teachers and the protection of the law. Two years later the Sioux Commission reported as follows:

"We would call attention to the urgent necessity for fulfilling the obligations of the treaty of 1876, which guarantees to these Indians the protection of the United States laws."

As showing the obstacles the pride of the Indians must get over in order to desire the white man's education, take the following:

"The Chippewas have grievances that would make white men tear their hair and howl, from one end of the country to the other; but they prefer to submit quietly and peaceably to the powers that be, praying without ceasing, hoping continually that the good men of the Great Father's household will yet hear and answer their petitions by the necessary legislation. If the Government would pay these poor people half what is justly their due under former treaties, they could, and would, live comfortably for many seasons to come."—*J. L. Mahan, La Pointe Agency, Wis.*, 1878.

And one of the most excellent of our many recent Indian Commissioners, when entreating that the obstacles in the red man's pathway may be taken away, cries out: "My predecessors have frequently called attention to the startling fact that we have within our midst two hundred and seventy-five thousand people for whom we provide no law."

Consequently, it seems almost self-evident to "certain philanthropists" that, in the practical management of Indian education, the granting the Indian legal status is of prime and immediate necessity. Of all education, we think Bishop Whipple's words are as true as of Christian education: "With justice, personal rights, and the protection of law, the Gospel will do for our red brothers what it has done for other races: give to them homes, manhood, and freedom." And we indorse fully the words of President Seelye: "The jurisdiction of the courts and the presence of the Government should be felt in the Indian Territory, and upon every Indian reservation, as powerfully as in the most enlightened portions of the land. The court should go as early as the school, if not before, and is itself an educational agency of incalculable importance." And we leave the point with this quotation from the report of a most cautious agent:

"The failure of the Department to carry out the provisions of Section 3 of the existing treaty with these Indians has, doubtless, had much to do with the successive failures of teachers and agents in the matter of education."—*John C. Pyle, Navajo Agency, Arizona*, 1878.

The third provision of Secretary Schurz's programme is "that they be individualized in the possession of property by settlement in severalty, with a fee-simple title." This may be thought a solution of the whole problem; but how it can prevent, or even

diminish, the spoliation of the Indians, without previously extending the privileges of the law to them, we are unable to see.

To render our philanthropic notions on this subject at all reasonable, we must briefly survey the Indian's individual attitude before the law. It may betoken arrogance to attempt such survey, since Secretary Schurz, in his article, says: "I do not intend to go here into a disquisition on the legal status of the Indian, on which elaborate treatises have been written, and learned judicial decisions rendered, without raising it above dispute." But the charge of arrogance falls when it is understood that the whole matter can be settled by quoting Secretary Schurz's own words. He has not long been of the opinion that the legal status of the Indian, so far as property is concerned, presents any peculiar difficulties. When the case of the Poncas was under discussion, he declared most positively that no Indian has the right to appear in court, claiming his own. "Such a suit cannot be brought at all"; "the taking of the Ponca case into the courts is impossible of accomplishment"; any hope in that direction is "unattainable." There seems to be no hesitation in these deliverances. The legal status of the Indian seems to have been involved in mystery only quite recently—in fact, since certain unofficial philanthropists have presumed to pry into it. Mr. Schurz, in these former declarations, continues to say: "The Supreme Court has repeatedly decided" on his side of the question; "the decisions are clear and uniform on this point"; among lawyers he consulted, "not a single one" held a view different from his; the Indian's disability "has been decided by the Supreme Court so clearly and comprehensively that further testing seems utterly futile." When there was danger of this troublesome case getting into the courts, in spite of all these decisions, the Commissioner of Indian Affairs, acting, if he did his duty, under the supervision of Secretary Schurz, caused the following Associated Press dispatch to be published:

"The Commissioner of Indian Affairs says, with reference to the case, that the United States District-Attorney has been directed to appear and endeavor to have the writ dismissed. He takes the ground that under the law, and according to repeated decisions of the Supreme Court, the Indians stand as wards of the Government, and are under the same relations to the Government as minors to their parents or guardians; that the law forbids them to make contracts, and such contracts, if made by them, are void. No attorney has the right or can appear for an Indian, unless authorized to do so by the Indian Department."

There is no mystery here in reference to the legal status of the Indian.

What possible benefit would there be in endowing the Indians with lands in severalty, if their standing before the law remains unchanged? Big Snake or Two Crow could as easily be put off a quarter section as the tribe off a reservation. The individual Indian could be robbed of his ponies as well as a tribe. The clamor of neighboring white men would not be any more likely to cease, and the excuse offered for them by Secretary Schurz might still be in force, viz.: the Indian might still have more land than John Smith, and so might be regarded as standing in the latter's way in his glorious progress toward civilization. In fact, the condition of affairs would be worse. Opportunity for individual stealing would be increased, the armies of the United States might not even *pretend* to be available for the help of single Indians, and the courts would be as thoroughly barred against them as now.

It is only fair to Mr. Schurz to say that in one of his earlier deliverances he has presented a solution of the difficulty. Doubtless he would be glad to have the matter pass by in silence, for it is certainly the most astounding slip of judgment that ever a great man was guilty of. In defending his chosen plan of granting land in severalty to Indians, he says that when this is done "the Indian will stand in the eye of the law just like any other owner of property in his individual right, and, as a matter of course, will have the same standing in court." This is an amazing *non sequitur*. How the dividing up of a tract of land will bestow upon the possessors legal rights which they now have not, would be difficult to show. How the passing by Congress of a bill that does not extend legal protection to the Indians can overturn all the decisions of the Supreme Court on this subject, Mr. Schurz did not think it worth while to state. If the Indian were not directly, and as an individual, disqualified by express statute for appeal to the courts, the above plan might be available. But so long as the Judiciary Act of 1789 remains in force, so long as the courts cannot regard the Indian as endowed with civil rights, and cannot clothe him with them, the accepting a deed for one hundred and sixty acres of land will not give the Indian a white man's place before the law. In fact, Mr. Schurz in his article seems to have abandoned the opinion of the substantial unity of these two things, for, in his programme for the

practical management of Indian affairs, he includes the one, but omits the other as being of no present utility.

That law must go before the granting of land in severalty is shown by this—that Indians have now certain individual possessions which are not in the slightest degree safer from the greed of white men. Ponies, clothing, cord-wood, belong to them personally, yet if they are stolen there is no legal redress. Jacob Vore, of Nemaha Agency, Nebraska, having seen many evidences of this, recommended, during every year of his employment by the Government, "enactment of laws protecting Indians in their individual rights, with respect to person and property." It is, hence, difficult to see how the placing of land upon the same footing with clothing and cord-wood will necessarily make its possession secure.

For all these reasons, it seems to us that the programme of Mr. Schurz can only be secured by declaring that the Indian is a *person* before the law as the first and all important thing. When his possessions are secure, his labor will be both profitable and attractive; when he feels himself a man, he will desire his own and his children's education; when he can be protected by law, the granting of land to him in severalty will be something more than a pretentious form. Five years ago the Sioux Commission made this report to Congress:

> "A great crisis has arisen in Indian affairs. The wrongs of the Indians are admitted by all. Thousands of the best men in the land feel keenly the nation's shame. They look to Congress for redress. Unless immediate and appropriate legislation is made for the protection and government of the Indians, they must perish, and our country bear forever the disgrace, and suffer the retribution of its wrong-doing. Our children's children will tell the sad story in hushed tones, and wonder how their fathers dared to trample on justice and trifle with God."

If this were done, Indians all over the country would soon lay aside their tomahawks, as Standing Bear did when he was released by Judge Dundy, and with him would say: "We have found a better way."

WILLIAM JUSTIN HARSHA.

THE FALLACIES OF HOMEOPATHY.

DISEASES, and whatever pertains to them, must be worthy of the attention of the public so long as all are liable to their ravages. Nothing of a material nature lies so near men's interests as those conditions which affect their health and life; and yet there is often an indifference to the subject, and a neglect to inquire into its details, which is quite surprising. It is, however, gratifying to know that the amount of indifference and ignorance which has existed in the past is fast diminishing at the present.

The action of our general Government in establishing a sanitary commission, the appointment of numerous State boards of health, the holding of public sanitary conventions, the production of popular works on health, and the frequent references to the subject in our periodical literature, evince the change which is happily taking place. To the wonderful diffusion of scientific knowledge during the past few decades, is largely due the present intelligent interest in these subjects; and the recent assassination and long struggle for life of the President of the United States, and the illness of the late Prime Minister of England, with their accompanying circumstances, have brought before the minds of the masses of civilized people details which had not before received so general attention.

The events of the illness of Lord Beaconsfield have brought to the notice of the public the so-called different systems of medicine, and especially the relations existing between those designated as regular physicians, and those who take the name of homeopathists. In this case, the refusal of a distinguished court physician to visit the patient while a reputed homeopathist was in attendance, notwithstanding the special request of the Queen; and the reluctant consent of another, only after the reputed homeopathist had denied his adherence to the homeo-

pathic system, and had promised to follow all the directions of the regular physician, became matters of public notoriety and comment, and various opinions as to the consistency and liberality of the physicians concerned have been freely expressed.

Many are unable to understand this great repugnance and general refusal of regular physicians to sustain professional relations with homeopathists; and, without informing themselves of the reasons of such feelings and conduct, regard them as illiberal and unreasonable.

It is inconsistent with the laws of character and the springs of human action, that the great mass of modern scientific physicians,—men whose education and training have tended to excite in them a love of truth and a desire for its attainment, the object of whose study has been to relieve suffering, and whose occupation has been so largely one of benevolence,—it is inconsistent with the general conduct of such men that they should be unwilling to accept any doctrine, and use any means, which, in their judgment, will tend to the accomplishment of their high purposes. They have shown a readiness, and even an eagerness, to entertain new ideas and accept new truths; and the great changes in opinions and practice, and the wonderful advances in medical science in recent times, attest this fact. Truth has been readily embraced, from whatever source emanating. Jenner received the facts of vaccination from dairymen; many of the views of Priessnitz respecting the use of water have been accepted; a large number of new remedies brought into notice by the so-called Thompsonians and Eclectics have been investigated and adopted; anæsthesia was received from dentists; and new modes of preparing and administering medicines, both in much smaller and larger doses than those recommended by standard authors, are constantly put in practice.

It would seem that there must be some special reason why the system of homeopathy is rejected with such contempt by scientific and discriminating men—by those who should be qualified to judge of its merits; and why men so liberal in other cases should regard with such repugnance associations with homeopathists. This can be found only in the character of the system, which it is the object of this article to show.

Although homeopathy has been before the world for three-quarters of a century, and has received in some circles a considerable share of patronage, very few outside of the medical

profession understand what it really is. To many who are intelligent and even learned in other matters, the whole subject of medicine is shrouded in darkness and mystery. An understanding of it, sufficient to form an intelligent opinion respecting its doctrines, requires attention to details which very few not of the profession ever bestow.

It will not be possible within the limits of a magazine article to give a full view of homeopathy, in contrast with regular medicine, but it may be possible to present the leading tenets of the system as promulgated by its founder and authoritative exponents, so that those who give attention to the matter may see reasons why its doctrines cannot be accepted, and why they are so intensely opposed by the regular profession.

Samuel Hahnemann, the founder of this system, was born in Saxony, in 1775. He manifested early a facility for learning languages, and was afforded opportunities for study by which he became an assistant teacher in a grammar school, and afterward turned his attention in part to the study of medicine. These studies were pursued chiefly at Leipsic; but during his two and a half years' residence there, he is reported as having spent most of his time in translating books and giving lessons in German and Latin for his support. He was a few months in Vienna, where he met with the visionary Mesmer, and is said by his biographers to have been impressed with his and other transcendental notions, which much influenced his after life. He received his medical degree at Erlangen, when he was twenty-four years of age, after which he attempted to obtain practice in twenty-four different places in the course of twenty-eight years, devoting much of his time, however, to chemistry, botany, and other subjects; and for some months of this period he had charge of an insane asylum. After this career, during which, according to the statement of Dr. Dudgeon, editor of the "British Journal of Homeopathy," "he does not seem to have done much in the way of medical practice," in 1806, at the age of fifty-one, he published a pamphlet on the "Medicine of Experience," and followed this by bitter denunciations, in a popular journal, of ancient and modern medicine. This attracted attention, and secured him some practice; and in 1810, when he was fifty-five, he commenced, at Leipsic, to lecture on homeopathy. Not confining himself to the promulgation of his peculiar doctrines, he assailed those of others, and was so bitter in his invectives that his classes deserted

him, and he ceased to lecture for want of hearers. He was, however, more successful with his writings; and, removing to Cœthen, he devoted himself to the publication of his doctrines and to the practice of his new method, which was chiefly in chronic cases and by mail—his patients writing to him their symptoms, for which he prescribed his medicines. His works became numerous, the most important being his "Organon," in which he expounds his principles, his "Materia Medica Pura," a voluminous work, and his "Chronic Diseases," in four volumes.

This brief sketch of the founder of homeopathy will tend to explain the possibility of the existence of a system so marvelous as we shall find it. He has been exalted almost to a demi-god by his followers, but to others he seems to have been a restless, ambitious, vain, perambulating visionary, imbittered by his want of success, who gave vent to his bitterness against a profession in which he had failed to obtain distinction or a competency. In his disappointment, his ambition and his vanity did not desert him.

In the preface to the "Organon" he says: "The true art of healing remained undiscovered until my time"; and his claim to the discovery of an entirely new and essentially true system of medical practice has been maintained by his disciples. Homeopathy, as an exclusive and complete system, was an invention of the "Sage of Cœthen"; but long before his time, in the days of speculative philosophy, three general methods of cure had received a theoretical recognition, and one of them embraced the central dogma of the Hahnemannic system. These methods were the *antipathic*, the *allopathic*, and the *homeopathic*. As the names imply, the first indicated the application of remedies which produce effects opposite to the disease; the second, effects different from, but not directly opposite to the disease; while the third indicated the use of remedies which produce effects like the disease. Hahnemann adopted, or, as he claimed, discovered, as the universal or "sole law of cure in all diseases," the latter speculative idea. This doctrine is expressed in the oft-repeated formula of *similia similibus curantur*, and is the central article in the homeopathic creed. It, however, necessarily carries with it several other doctrines, constituting the system which it is the object of this paper briefly to examine.

The articles of this creed may be arranged in the following order:

First. The principle of *similia similibus curantur*, as a universal law.

Second. The prescribing medicines for symptoms alone.

Third. Imponderable or infinitesimal doses.

Fourth. The potentization of medicines, or the development of new and extraordinary powers within them, by rubbing and shaking.

Fifth. The special mode of preparation by trituration with sugar of milk, or by shaking with alcohol or alcohol and water, diluting on the centesimal scale.

Sixth. The prescribing of a single simple medicine at a time.

Seventh. The special method of "provings" by administering medicines to persons in health.

Eighth. The mode of administering by placing pellets on the tongue, and by olfaction or smelling.

Ninth. The psora or itch doctrine of the founder.

It is not alleged that all these professed articles of belief are held by all homeopathists of the present day. Those, however, are the doctrines taught by Hahnemann and his consistent disciples; they are still more or less fully taught in their text-books and their schools; and if they do not constitute the homeopathic creed, if they do not include and represent the doctrines of homeopathy, then it is impossible to determine what that creed is, and what the doctrines of that system are. That they are the real homeopathic doctrines we shall show; we shall endeavor to point out their import; and it will be seen how impossible it is to accept them, or for scientific physicians to have professional relations with those who profess to believe and be governed by them.

As to the central doctrine of "like curing like" as a universal and exclusive principle, Hahnemann is very explicit, and his assertions cannot be misunderstood. In the "Organon," he says: "In every case, a medicine" must be given "which can itself produce an affection similar to that sought to be cured. The truth is only to be found in this method." "It is not possible," he continues, "to perform a cure but by the aid of a remedy which produces symptoms similar to those of the disease itself." Again, "it is the only therapeutical law conformable to nature."

Dr. Scott, a leading English homeopathist, says: "The essential characteristic of the homeopathic school is singly and simply the adoption of a law of treatment applicable to all forms

of disease, expressed by the words *similia similibus curantur.*" Further quotations from authoritative homeopathic writers to the same effect could be made indefinitely, but these are deemed sufficient to show that this is an essential article in the creed. To abandon this would be to surrender the system, and to prove this untrue would be to show the system to be false.

It is always difficult to prove a negative by direct argument, however absurd the positive proposition may be. It would not be easy to formulate an argument against the assumption of Bishop Berkeley that tar-water was a universal remedy, or against the claims made for Perkins's tractors that they would draw all diseases from the body, or to prove demonstratively that the many "sure and only cures" which are advertised for various diseases will not fulfill the promises made for them. The burthen of proof is with those who make the assertions, and much testimony from respectable persons can usually be found for such pretensions; but when such allegations and spurious proofs fail to convince those who understand the subject and have had full opportunities of judging, the proposition may be safely rejected as untenable. That the dogma we are examining has failed to receive the assent of the great mass of scientific physicians the world over, is unquestioned.

But more positive proof than this is afforded. It is too generally and positively known to be questioned, that iodine cures the goitre, quinine the ague, and sulphur the itch, while no conditions like these diseases are produced by these respective remedies. If these facts be admitted, and there are many others of the same kind, then it is certain that *similia similibus curantur* is not the "only law of cure."

But it is declared, and with what force of truth we shall see, that it is no law of cure at all; or, at the very least, that it is not of sufficient applicability to make it commonly available in practice. The simple fact is that medicines, when they are curative, produce an effect different from the disease; and whatever resemblance may be imagined, or may really exist, between the effects of a remedy and the phenomena of the disease it modifies, the cure, if a cure is produced, is accomplished by the difference and not by the similarity which exists between the effects of the remedy and the disease. No one has defined the degree of similarity between the remedy and the disease necessary for the operation of the alleged law. In similarity there is a differ-

ence, and it is too evident to require further statement that by the difference the cure is effected.

This truth is so apparent, that the more thoughtful modern members of the homeopathic sect admit that homeopathy is a misnomer, and that medicines produce their curative effects by causing actions contrary to the diseases for which they are given. Three leading homeopathists in London have recently made these admissions in the "Lancet." This certainly seems to be yielding the whole question; but still these men claim that medicines are *selected* on the principle of similarity of effects, though they *cure* on the principle of opposition. But the alleged essential law is that like *cures* like. The claim of only *selecting* medicines from the similarity of their effects to the symptoms of the disease is the last stand of those who have been driven by logical necessity from one position to another; and this claim must be maintained unless every particle of pretense to homeopathy is given up. A system resting on so narrow a basis must topple to the ground—has, it is believed, already fallen. This conviction is confirmed by the fact, now so notorious, that in the practice of nearly all homeopathists the rule of similars is not observed in the selection of remedies. But we have here to do with the system as promulgated by its author and his real followers, rather than with the practices of those who retain a nominal position in a medical sect.

Associated with the dogma of like curing like is the principle of prescribing for symptoms alone,—of giving medicines which will produce symptoms like those of the disease, without regard to causes, or to the more hidden changes, learned from the study of morbid anatomy and the nature of pathological processes. Hahnemann, in the "Organon," says: "Only that which is necessary for the physician to know of disease, and which is fully sufficient for the purpose of cure, is rendered evident to his senses." "In short, the *ensemble* of the symptoms is the principal and sole object that a physician ought to have in view in every case of disease."

The character of other homeopathic writings is in accordance with this view. Thus, in Jahr's Manual, a standard homeopathic text-book, are found such directions as these: "For absence of mind, irresoluteness—the remedy, alum." "Absence of mind with confusion of thought,—cupr." "Making mistakes in writing,—nat. carb." "Fear of death,—dig." "Pain in the big toe,

as if sprained,—mosch.," etc. Mere symptoms, some the most trivial, have remedies set opposite to them which are supposed to be capable of producing similar phenomena.

In prescribing medicines for symptoms on the principle that "like cures like,"—in giving opium for stupor, irritants for an acutely inflamed stomach, an article that will produce a pain for the cure of a similar pain, *i. e.*, in ordinary doses, it was found that the symptoms were increased instead of being relieved; and this difficulty was met by diminishing the dose. Small doses necessarily followed the dogma of similars.

Says Hahnemann: "The suitableness of a medicine in any given case of disease does not depend on its accurate homeopathic selection alone, but on the size, or rather smallness, of the dose. A medicine of a positive and curative kind will, without fault in itself, produce just the contrary effect of that which it ought to do, if given in excessive quantity, by producing a greater disease than that present."

Commencing with small but sensible doses, he proceeded to the minute and insensible ones, and declared that the "minutest doses are always able to overcome the disease." "The very smallest, I repeat; for it holds good, and will continue to hold good, as a homeopathic therapeutic maxim, not to be refuted by any experience in the world, that the best dose of the properly selected remedy is always the *very smallest* one, in one of the high dynamizations (X or thirtieth dilution), as well for chronic as acute diseases—a truth that is the inestimable property of pure homeopathy," and which, he adds, in regard to allopathy and mongrel systems, "will keep pure homeopathy separated from these spurious arts as by an impassable gulf."

The extent to which dilutions or attenuations are carried can only be understood by a description of the mode of preparing the medicines, and this can best be given in Hahnemann's own words. Particular attention must be given to these descriptions for a proper understanding of this part of the subject.

In Hahnemann's "Organon" is this statement:

"If two drops of a mixture of equal parts of alcohol and the recent juice of any medicinal plant be diluted with ninety-eight drops of alcohol in a vial capable of containing one hundred and thirty drops (for the convenience of shaking), and the whole be twice shaken together, the medicine becomes exalted in energy to the first development of power, or, as it may be denominated, the first potence. The process is to be continued through twenty-nine

additional vials, each of equal capacity with the first, and each containing ninety-nine drops of alcohol, so that every successive vial after the first, being furnished with one drop from the vial or dilution immediately preceding (which has just been twice shaken), is, in its turn, to be shaken twice, remembering to number the dilution of each vial upon the cork as the operation proceeds. These manipulations are to be conducted through all the vials, from the first up to the thirtieth or decillionth development of power, which is the one in most general use."

With regard to solids, he adds:

"These were, in the first place, exalted in energy by attenuation in the form of powder by means of trituration in a mortar (in sugar), to the third, or millionth degree. Of this one grain was then dissolved and brought through twenty-seven vials by a process similar to that employed in the case of vegetable juices, up to the thirtieth development of power."

Directions as to the mode of administering are next given:

"The best mode of administration is to make use of small globules of sugar the size of mustard-seed; one of these globules, having imbibed the medicine and being introduced into a vehicle, forms a dose containing about a three-hundredth part of a drop of the dilution, for three hundred of such globules will imbibe one drop of alcohol; by placing one of these on the tongue, and not drinking anything after it." * * *

And then he adds:

"But if the patient be very sensitive, and it is necessary to employ the smallest dose possible, and attain at the same time the most speedy results, it will be sufficient to let him smell once."

Rau, in his "Organon," gives substantially the same directions; and Hempel, one of the most recent homeopathic writers, says: "In order to obtain good homeopathic preparations, follow Hahnemann's rules as closely as may be possible and convenient." The essential matters of the dilutions on the centesimal scale, he evidently means to say, must be followed strictly, and the particular mode of triturations and shaking should be followed as closely as possible and convenient.

It is hoped the patience of the reader who wishes to know what the doctrines and professed practice of Hahnemannic homeopathists really are, will not be too severely taxed by an attempt to give a conception of what these statements mean, and of the extent of these dilutions. A statement of the following conclusions, without giving the language of the authors on which they are based, would seriously tax one's credulity.

In the first dilution of one grain of the medicine with ninety-nine of sugar or alcohol, one grain of the mixture contains $\frac{1}{100}$ of a grain of the crude medicine. One grain or drop of the first, added to the next vial, forms the second dilution: a grain or drop of this will contain $\frac{1}{100}$ part of $\frac{1}{100}$, which is $\frac{1}{10,000}$ part of a grain. The third dilution contains $\frac{1}{100}$ part of the second, and one grain of that contains $\frac{1}{1,000,000}$ part of a grain of the medicine. The fourth contains $\frac{1}{100}$ part of the third, which would be $\frac{1}{100,000,000}$. The fifth, $\frac{1}{10,000,000,000}$, and so on up to the thirtieth. The series diminishes in this rapid ratio, the denominator of the fraction representing each succeeding dilution being multiplied by 100, and each one all the way through being 100 times less than the one just preceding; so that at the thirtieth dilution, a unit with sixty ciphers for a denominator and a unit for the numerator expresses the quantity of medicine, or the part of a grain, which at that dilution is contained in a drop. This is the fraction:

$$\frac{1}{1,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000}$$

A drop of alcohol containing this part of a grain is to moisten three hundred sugar globules. The alcohol evaporates, leaving that fraction of a grain in the globules, and one of these globules is the dose!

The quantity of liquid required to dilute the whole of a single grain to the thirtieth degree may be arrived at mathematically by taking another view from the same data presented in the language of Hahnemann and Rau.

When using the medicine at the thirtieth dilution, all the intermediate vials are discarded. If all, however, were used and brought to this dilution; if none were discarded, and the whole ultimately elaborated,—a thing impossible except in theory,—it would be as follows:

For the first dilution, 100 drops of alcohol would be used. For the second, 100 times as many, which would be 10,000 drops, or, as ascertained, about one pint. For the third, 100 pints. The fourth, 10,000. And now the quantity mounts up rapidly at each dilution. For the ninth dilution, it would require twelve trillions five hundred billions (12,500,000,000,000) of gallons, which is found by computation to be equal to the water in a lake many miles in circumference. For three dilutions more, the twelfth, it requires a million of such lakes, which,

according to computation, would be equal to at least five hundred lakes as large as Lake Superior. The fifteenth dilution would require a body of fluid sixty-one times greater than this earth, and the thirtieth would actually take a quantity of fluid exceeding the volume of a quadrillion of suns.

Various calculations have been made by different writers with the view of giving as definite notions as possible of these infinitesimal doses, but they only approximate to the actual fact.

The dilutions are divided by Dr. Hempel into four classes, viz.:

First. Lower—up to the 6th attenuation.

Second. Middle—from the 6th to the 30th.

Third. Higher—from the 30th to the 200th.

Fourth. Highest—above the 200th.

These highest go up to the 40,000th.

Dr. Simpson (Sir James), of Edinburgh, has shown by his calculations, confirmed by the mathematical professors of the University of Edinburgh, that at the fifteenth dilution, a mass of sugar or body of water would be required out of which sixty-one bodies could be made, each as large as our earth. The sixteenth would require one hundred times as many—*i. e.*, $61 \times 100 = 6{,}100$. Multiplying each time by one hundred, from the fifteenth to the thirtieth, fifteen times, would make thirty ciphers joined to the sixty-one,—making a bulk 61,000,000,000,000,000,000,000,000,000,000,000 times as large as the earth. In commenting upon these facts, Sir James Simpson writes:

"Surely, common sense and common sanity both dictate to the human mind that it is utterly impossible that any such dose from any such an inconceivable ocean, medicated by a single grain of any drug dissolved and mixed in it, can have any possible effect upon the human body, either in health or disease. We can but conclude with Dr. Forbes, that in rejecting homeopathy 'we are discarding what is at once false and bad—useless to the suffering and degrading to the physician.'"

That these are the actual teachings of homeopathy, however incredible it may seem, every one who has given attention to the subject knows; and the repugnance which is felt by those acquainted with the fact cannot be difficult to understand.

To avoid the utterly repelling absurdity of believing these infinitesimal quantities of common matter capable of producing medicinal effects, Hahnemann was driven to the next named doctrine, that of *potentization*, or the communication of a new

dynamic or spiritual power by the triturations and shakings used in the preparation of the dilutions. The medicines were declared to be increased in power by these processes; and the more they were divided and rubbed or shaken, the more of this new power was said to be communicated. In Hahnemann's words, "a great, hitherto unknown, undreamt-of change occurred in them." He was particular in directing that only two shakes be given to each dilution, lest the power should be developed to an excessive extent, and the potency become unmanageable. It is thought these notions were suggested by the claims of Mesmer, of having the ability to communicate extraordinary powers to dead matter. Our space does not allow extended quotations on this subject of potentizations, notwithstanding its importance to the homeopathic system. One other of Hahnemann's statements, however, showing "a method in his madness"—making an exception for a purpose—may be given. In his dilutions and shakings, alcohol was used as a vehicle, and this substance he admitted to have medicinal properties; but he declared it was an exception to all others in its relations to potentization. His words are, "Wine and alcohol are the only excitants the heating and intoxicating effects of which are diminished by their dilution with water."

All must see that unless some quality is added or developed by the process of preparation, such articles as carbon, common salt, carbonate of lime, sulphur, flint, etc.—articles existing in our food, and constituting essential elements of our bodies—cannot have the wonderful effects which the system ascribes to them. In Jahr's "Materia Medica," over four hundred and fifty symptoms are said to be produced, and consequently are capable of being cured, by common salt in the twentieth and thirtieth dilutions; and in our present time, this article, under the name of nat. mur., is seriously advised at the thirtieth dilution by professors in a homeopathic college as a remedy for ague. Nearly the same number of symptoms and cures as by table-salt are attributed to dilutions of charcoal, chalk, and other substances which in ordinary quantities are inert.

The common mode of administering the medicines is in medicated sugar globules placed upon the tongue; but Hahnemann declares that "all that homeopathy is at all capable of curing . . . will be most safely and certainly cured by the mode of olfaction." He adds: "A pellet retains for this purpose all its powers for at least eighteen or twenty years (my experience

extends this length of time), though the phial be opened a thousand times during that period, if it be but protected from heat and the sun's light."

As to the administering a single medicine at a time, Hahnemann says: "In no case is it requisite to administer more than one single simple medicinal substance at one time. The true physician never thinks of giving of a remedy but a single simple medicinal substance." He, however, prescribed opium, which contains at least seven distinct crystalline substances, differing in their individual action; and Peruvian bark, also very often given, contains several distinct active principles.

To describe and illustrate the system of homeopathic "provings" would extend this article beyond its assigned limits. It must suffice to say that these provings are conducted by the administration of both crude or sensible and infinitesimal doses; and symptoms the most incongruous, contradictory, and often trivial are attributed to the effects of the most extreme dilutions of comparatively inert substances.

Various other minor doctrines were taught by Hahnemann, and are accepted by his disciples, but they cannot here be discussed.

The leading doctrines of the school have been presented in the language of its founder and its recognized exponents, and their statement seems a sufficient refutation. We have found homeopathy a definite system of positive dogmas, having various parts dependent upon each other. The leading doctrine of *similia similibus curantur* necessitates the doctrine of small doses,—so small, that at least their ordinary effects are imperceptible. This has led to the extreme dilutions; and this in turn to the doctrine of potentization. The assumption that medicines cure the conditions in the sick which they are capable of imitating in the well, led to the method of "provings." Further, this doctrine of similars is followed by the doctrine of the specific action of medicines,—that is, that certain medicinal articles have definite affinities with certain diseases. This view includes the ancient and exploded notion that diseases are distinct entities, or things by themselves, having a lodgment in the body. The homeopathic writers seem to regard diseases as material substances, having such qualities as attraction for particular remedies or correspondences with certain principles in medicines. Dr. Hempel, the modern author before referred

to, says: "Hahnemann taught the doctrine" (which Hempel indorses) "that it is the drug-force which effects cures. By drug-force we mean the *morbid essence* which materializes itself in the plant, and develops pathological lesions in the organism." As an example and illustration of the doctrine, he says: "Here is the stramonium-disease, the creative stramonium-force having invaded the organism where it meets a kindred recipient faculty. We act upon it by means of material molecules, for which the stramonium-force or essence has a stronger attractive affinity than for the organic tissues. If the drug molecules are not endowed with sufficient force to *draw the disease* to themselves, . . . the cure fails."

Now, all these assumptions and theories—not only the absurd theories themselves, but the practice of thus theorizing—are directly opposed to the whole spirit of modern science. In the darkness of the past, diseases were regarded as evil spirits to be exorcised, or driven out by some opposing or attracting influences; and these "relics of barbarism" seem to linger in some minds, as is shown in the above quotation.

Science has determined that diseases are phenomenal—are deviations from normal activities and normal compositions and structures in the organism. These wrong actions depend, to be sure, on disturbing agencies, some of which are material poisons, but others are injurious impressions from excesses or deficiencies, or other perversions of the conditions of life; but the diseases themselves are wrong actions or perverted physiological phenomena. The present established philosophy of disease is such that the advocacy, or even the discussion and comparison, of general systems of medicine, such as antipathy, allopathy, or homeopathy, are entirely out of place in our time, and belong to the past age of dreamy speculation, and not to the present of inductive science. Instead of diseases being considered as mysterious entities, to be dealt with on some theoretical exclusive plans, they are known to be aggregates of phenomena, to be modified by various agencies adapted to each case, but acting on no exclusive principle. Regular physicians profess no exclusive system. They repudiate the designation of allopathists; and they look upon the work of removing wrong conditions and actions in the animal organism as scientific mechanicians do upon remedying the defects in a complex piece of mechanism. The intelligent mechanic would inquire into the conditions and causes

of the wrong actions, and proceed on scientific and common-sense principles to remove them. It would be very absurd to announce some exclusive principle of *similia similibus curantur* for correcting defective or wrong-going watches or engines; and it is equally so to announce such a principle as alone applicable to the removal of wrong conditions and actions in the living mechanism. The analogy in this respect is perfect between the engine and the man; the difference is in the greater complexity—the existence of a larger number of elements in the living human organism.

The limits of this article will not allow of a reply to all of the attempted arguments by which the pretensions of homeopathy have been sought to be sustained. Some of them, however, require a brief notice. One, the most plausible, and which has done much service, is based on the apparent analogy between the preventive influence of the vaccine disease over small-pox, and the alleged curative influence of medicines similar in their effects to the phenomena of disease. The minuteness of the quantity of infectious matter sufficient to produce disease has also been adduced to give plausibility to the notion that very minute quantities of medicines can produce effects. Attention to the facts concerned will show the fallacy of these arguments. It is well known that small-pox and a few other contagious diseases usually occur but once in the same person, and in the case of small-pox, the induction of the disease in a milder form prevents its repetition. Inoculation with its own virus produces a modified form of the affection of less severity. The vaccine virus, which is that of small-pox rendered much more mild by passing through the body of the cow, has the effect to produce a still milder form of the disease, but one which usually prevents a second occurrence. The operation of so small a quantity of the virus is accounted for by the fact that it is living and germinating, and during the period of its incubation in the system it largely multiplies, and considerable time elapses before its effects are realized. Vaccination is preventive, not curative, and is from identity, and not similarity. Scarlatina, which is similar to measles, will not prevent the recurrence of the latter, though an attack of either of these diseases will prevent a second one of the same affection. An attack of malarial fever will not prevent one of cholera or diphtheria; and an occurrence of either of these last-named diseases has no preventive influence over a second one. Medicines are not living matters, are incapable of multiplication,

and require no period of incubation to produce their effects. Their operation once does not prevent their action again upon the same system; and when they do good they are curative, not preventive. It will thus be seen that the apparent analogy between their effects and the action of vaccination does not exist, and the arguments based upon it completely fail.

An argument in favor of the claims of homeopathy is based upon its having obtained the support of numbers of people. The adherence of numbers to a system, a faith, or a cause, is not an evidence of its truth or justice, especially when it contains elements of mystery, and does not admit of the test of direct demonstrative proof. Brahmanism, Mohammedanism, and in our own time and civilization, Spiritualism and Mormonism, have many adherents, but the truth of none of these is established. If, however, numerical adherence be the test of truth, it does not lie with homeopathy. The system has urged its claims for the last eighty years, and up to the present time, three generations of medical men have come and gone, while not one educated physician out of one hundred the world over has expressed views favorable to the dogmas we have been discussing. On the contrary, the great body of scientific medical men everywhere—almost all those of acknowledged prominence in the world of science—have denounced the Hahnemann system as the most arrant nonsense. The people who support it are certainly for the most part ignorant of the real character of the system. There is in many persons a tendency to put an undue value upon the mysterious and the unknown. Had the well-understood English word *like-cure* been applied to the system in place of the less understood Greek word homeopathy, its attractiveness would have been much less. Homeopathy has no position in the world of science. In the country of its origin, the great body of those best qualified to judge speak of the system of doctrines as a dream that is past, and of its practice as charlatanism and deception. Its professed adherents are not admitted to any professional associations. A leading German journal says: "The homeopathy of to-day is no science, not even a dogma—just a trade."

The efficacy of homeopathic medicines prepared and administered in the manner described, cannot be sustained on any rational principle. Those who have given intelligent attention to the subject must, and do, admit this. Those who really believe

in homeopathy do so on the evidence of the statements of others, or from the supposed effects which have been observed in the treatment of cases of disease.

The fallacies of medical experience are well known to all thoughtful physicians. Among the most obvious fallacies are errors as to the actual medicines taken. It is well known that very many, not to say nearly all, professed homeopathic practitioners often give medicines in sensible, and even in large doses, and not upon their professed exclusive principle. Thus, the real relief afforded and cures effected may not have been due to the homeopathic remedies.

But there are other fallacies perhaps more common than this. When a medicine is taken with the view of producing a certain effect, such as the relief of a symptom, and that relief follows, it is most natural that the patient and the prescriber should attribute the result to the medicine taken. As symptoms very often disappear spontaneously, or are removed by a variety of influences which may be overlooked, it is evident that the disappearance of a symptom after a medicine is taken does not prove the relation of cause and effect between the events.

The evidence that is required to prove or disprove a proposition in therapeutics is of a peculiar kind. "It differs entirely from that species of proof which satisfies a court of law." The statement that a certain disease within one's observation or experience was cured by a certain remedy, would by many be regarded as the statement of a single fact, to be accepted according to the credibility of the witness; whereas, it is the expression of several opinions, either of which, however sincerely entertained, may be erroneous. The patient may not have had the supposed disease; he may not have taken the alleged remedy; the disease, if real, may not have been removed—may still continue; but if the disease existed as stated, the supposed remedy was given, and the disease disappeared, the recovery may not have been due to the remedy.

Certificates, sincerely made, of cures of cancers, of advanced consumptions, and of numerous other diseases, by nostrums which no physician of any school could believe efficacious, are illustrations of such errors.

An experience of the late Professor Chomel, of Paris, is related, which so aptly illustrates fallacious conclusions from inexact observations that it may be quoted:

"The common holly having been much praised as a remedy for ague, he determined to test it in the Hospital La Charité. Twenty-two cases of the disease were directed to him. After their admission, he purposely abstained from all treatment for several days, in order to see that they were well-marked cases. He found that of the twenty-two, *seven* never had another paroxysm, *four* had paroxysms of decreasing severity, *eight* had nothing but symptomatic paroxysms, connected with slight inflammation of the mucous membranes, which yielded to simple treatment; *three* only were fit subjects for experiments, *i. e.*, had essential intermittent fever, preserving all its intensity for three or four paroxysms. The remedy (holly) was given to these, but entirely failed in all of them. Quinine was then given in the ordinary way, and the paroxysms were immediately stopped. If, from the day of admission, the remedy had been given to the whole, the conclusion would have been that it had cured nineteen out of twenty-two; and the three cases —the only ones proper to test the remedy—would have been regarded as exceptional."

In estimating the value of all experience in medicine, it must be remembered that a large proportion of ordinary diseases are self-limited, that most sick persons will recover without medicine, and that proper nursing and confidence in those in attendance will contribute to the result. The individual judgment, even of the intelligent and judicious, may readily be misled; and the popular judgment may be carried away by the exaggerated statements of the interested and the enthusiastic. All the earlier reported remarkable successes of homeopathic treatment of severe diseases were with the Hahnemannic infinitesimals; and of the correctness of such reports, after knowing what these dilutions are, the reader will judge. Scientifically conducted experiments with homeopathic dilutions were long ago made by Andral in the hospitals of Paris, and by other eminent regular physicians, and always with negative results. Some patients doubtless improved while these medicines were being administered, but not in consequence of their administration, in the opinion of those best qualified to judge. Indeed, a majority of leading homeopathists now deny the efficacy of imponderable doses, though the schools and text-books teach their use, and most of the homeopathists, though resorting to other remedies, still give the sugar pellets. Some very recent experiments, conducted by members of the homeopathic fraternity in the West, for the purpose of testing the ability to distinguish by their effects between unmedicated and medicated globules, are authentically reported to have resulted in a failure.

As already intimated, there is not a tenet, as presented by the founder of the system, which has not been rejected by numbers

who are regarded as of high authority in the homeopathic fraternity. The denial of the efficacy of the higher dilutions is an admission that all the wonderful reported success in the past of Hahnemann and his followers was deceptive. Their treatment and provings were with dilutions and alleged "potencies."

The only scientific fact which gives any show of plausibility to the doctrine of *similia similibus curantur*, as even a subordinate law of cure, is, that some medicines appear to have in small doses an effect opposite to what they manifest in large doses. The most conspicuous of such remedies is ipecacuanha, which in large doses produces vomiting, and in small ones *sometimes* allays that symptom. This occasional opposition of large and small doses is a fact for which the profession is not indebted to homeopathy. All that is known on the subject is the property of the regular profession. It is not, however, a universal or even a general fact, and is not of sufficient frequency and regularity to be generally available in practice. Whenever thought applicable, the principle is resorted to by regular physicians, and with perfect consistency, as they have no system of dogmas which confines them to any restricted practice, or which prevents them from prescribing any remedies in any doses found, or believed to be, useful. A belief in the frequent application of this principle, and practice in accordance with that belief, even to what would be generally thought a very erroneous extent, would not deprive one of recognition by the regular profession. Great liberty of opinion and action in the choice of remedies within the bounds of common sense and common sanity, has ever been allowed. The adhesion to an absurd exclusive system, and the banding in a sect which denounces and seeks to destroy confidence in regular medicine is that which cannot be tolerated.

A few physicians of prominence in England have recently suggested the propriety of meeting members of this sect in consultation, notwithstanding the acknowledged utter absurdity of their professed views and practices, and their well-known denunciations of regular medicine. These suggestions, it is predicted, will not meet with acceptance from the profession, for reasons which must be obvious to those who have followed the preceding statements respecting the homeopathic doctrines.

The object of medical consultations is to benefit the patient — to secure for him by exchange of opinions and by *mutual agreement* the best course of treatment. It is too evident to require to be stated that there can be no agreement between a regular

physician having any established professional views and a sincere homeopathist. No benefit can arise to the patient from the practical disagreement which would be inevitable. The conscientious believer in the universal principle of *similia similibus* could not consent to the use of any remedy not selected in accordance with that law. One believing in the efficacy of infinitesimals and in the injurious effects of medicines in crude forms and sensible doses, could not consent with any regard to the supposed interests of his patient to the administration of the larger doses. If, for the purpose of securing patronage, the homeopathist pretends to a superior system in which he does not believe, and to a better practice which he does not follow, he is a charlatan and a pretender, unworthy of confidence or honorable associations. If a regular physician, for the sake of a consultation fee, or for the purpose of obtaining popular favor, sacrifices his convictions, relinquishes measures in which he has confidence and consents to a practice he is sure is useless, he may be a fitting person for such consultations, but he is not an honorable member of an honorable profession. If between an honest homeopathist and an equally honest regular physician there can be no agreement and coöperation in the treatment of a case, consultations between such are certainly useless; and no opinions need be expressed respecting consultations between parties one or both of whom are insincere. Should the homeopathist abandon his system or the regular physician embrace it, then there may be harmony and agreement; but until then consistency and honor no less than proper professional feeling will forbid the unnatural alliance.

The honest and honorable man who has been educated in the homeopathic doctrines and has been brought into the homeopathic fraternity, but who has become convinced of the essential error of the system, will openly abandon it — will no longer march in its ranks or be called by its name. One who rejects the homeopathic creed and is unwilling to occupy a false position will follow the example which some well-known and honored men now in the ranks of the regular profession have set; and by declaring his position and leaving his former associations, will obtain recognition and a position which his talents and character will earn for him.

These are the views which most men will take. None are more positive in their declarations against the unnatural alli-

ance than the leading authorities among the homeopathists themselves. Dr. Rau, in his "Organon," says: "The principle of *similia similibus* is the barrier which separates the new from the old school. It is impossible to combine these two schools; any such combination would constitute a most miserable abortion." And Hahnemann had the sanity and the sense to say that homeopathy would ever be separated from what he calls allopathy "by an impassable gulf." Any attempt to permanently bridge the chasm over, even by a Bristowe or a Hutchinson, must result in failure.

In this article no attempt has been made to specify the achievements of the regular profession, or to either defend or criticise its doctrines or practice. It would be an easy task to point out its present scientific methods and the great results they have accomplished. It would also be easy to refer to differences of opinions and contradictions of statements on various questions of pathology and therapeutics, or to find various expressions of skepticism as to the consistency of some doctrines, or the efficacy of various methods of treatment advised in its works. As upon all other subjects not physically or mathematically demonstrable, there are differences of opinion among thinking men, who are not bound by fixed creeds, acceptance of which is essential to membership in a fraternity. It must be remembered that, different from the homeopathic system, there is in the regular profession no fixed creed, no alleged universal principle the acceptance of which is necessary to the retention of a chosen designation. Homeopathy is a specific, well-defined thing, or it is nothing. If the doctrines of *similia similibus curantur*, and of the efficacy of infinitesimal doses, etc., are not held as true, the system has no real existence. If these doctrines are not in reality true, then the system is a fiction.

In geology there are many facts and inferences which are fixed and unquestionable, but also many theories and opinions that are contradictory and doubtful. Geology is, nevertheless, a science, and those who are devoted to it constitute a kind of fraternity, but without a dogmatic creed. It is so with scientific medicine, but not the same with the homeopathic system of dogmas. These dogmas must be held or all is yielded; they must be true or the system is false. Associated with a false system there may be truths, and with a true science there may be errors, but to science all truth belongs, while to false systems truth is alien.

Modern science has demonstrated the cause of some diseases (as examples, the relapsing fever in man and the "splenic fever" and "chicken cholera" in animals) to be organic parasitic poisons; and the general professional belief is, that all the specific diseases, such as cholera, malarial, typhoid, typhus, yellow, puerperal, and the eruptive fevers, are produced by zymotic or organic living poisons, and that the great curative remedies of the future will be antidotes and eliminatives for their destruction or expulsion. In view of the present state and drift of science, of the phenomenal character of diseases, the existence of specific causes, and the present and hoped-for discoveries of antidotal and expelling remedies, how absurd become the dreams of exclusive systems; particularly of this pretended universal therapeutical principle of "like-cure" and its dependent doctrines. Such unfounded speculations, originating in the darkness of the past and kept alive by the visionary or interested of the present, must recede more and more into the obscurity of past follies as science advances.

A. B. PALMER.

RESULTS OF PROHIBITORY LEGISLATION.

THERE exists to-day in the English-speaking world a very large body of men and women, of every rank and station in life, who believe that intemperance, and all that comes from it, are not a necessary condition of society; that it is possible to put these evils away. They believe there is intelligence, virtue, and piety enough in the world to accomplish this, if, by a full presentation of the facts in the case, they be brought to coöperate heartily in the work.

The friends of temperance come before the public with their proposition to that end. It is to forbid by law, and to suppress by a strong hand, the manufacture and sale of intoxicating liquors, without which any considerable diminution of the evils of intemperance will be impossible. The liquor traffic is a very great and profitable trade. There are large numbers of people involved in it, by interest, appetite, or passion, who cannot be moved, or even touched, by the considerations which inspire benevolent, philanthropic, patriotic men and women. The movers in this work may properly be called upon to justify their proposition to the people. Without doing this satisfactorily, they cannot expect such general approval and coöperation as is necessary for the accomplishment of the work.

The liquor traffic is absolutely inconsistent with the general good, and cannot in any way be made to harmonize with it. It is in deadly hostility to every interest of nation, state, and society. It wastes the wealth of the country, undermines the virtue of the people, and is the source of a very large part of the poverty, degradation, insanity, and crime that curse the nation. It sends misery into hundreds of thousands of homes, which but for it would be prosperous, peaceful, and happy. The strength of a nation is in proportion to the intelligence, virtue, industry, and thrift of the people. The influence of the liquor traffic is to

make its victims ignorant and brutal, to undermine their habits of industry, and to impoverish them. As the liquor traffic flourishes, every legitimate industry languishes and dies. The industry of the nation and its industrial products are largely diminished by the malign influence of this trade.

Mr. Benjamin Whitworth, M. P., is one of the largest employers of labor in England. At a great public meeting in Exeter Hall, I heard him say that in one of his establishments—iron-works—five thousand men are employed. On Mondays the works are not in operation, the men not having recovered from the debauch of Saturday night and Sunday. As a consequence of this, five thousand men lose each fifty-two days' wages in the year—in all, two hundred and sixty thousand days' wages. The nation loses two hundred and sixty thousand days' work, and the owners of the establishment lose thirty thousand pounds in the year. He said that every industrial establishment in the country, large and small, had a similar experience, and, as the result of it, the industrial products of the country were one-third less than they would be without the liquor traffic. The men spent most of their wages in the drink-shops, they and their families living in abject misery, so that they become paupers when dull trade throws them out of employment even for a week.

The great jails and other prisons of the country, and the work-houses, are crowded with working-men and working-women, a large part of whom, but for the liquor traffic, would be law-abiding, peaceful, and self-supporting. Judge Hill, of Birmingham, at an assize where there was a very large criminal calendar, said to the grand jury: "But for the public-house, gentlemen of the jury, you and I would have very little to do. Whichever way we turn, whatever measures we propose for the amelioration of the condition of the people, intemperance starts up and blocks the way." I heard Lord Shaftesbury say, at a great public meeting in Free Trade Hall, Manchester: "Nineteen twentieths of the misery and degradation of the people come from over-crowding." But the proofs are abundant that over-crowding comes from intemperance. It is estimated that the working classes of England spend every year more than $500,000,000 in drink; the whole expenditure in that way in the country being $700,000,000. The vast sum thus wasted would go far toward furnishing better houses for the people, and sufficient, if not abundant, food and comfortable raiment for all.

The New York "Independent," of the 8th September last, said:

"It is affirmed by the collectors of statistics in regard to intemperance, that in the year 1879 there was paid out for intoxicating drinks by the people of Germany the sum of $650,000,000, and by those of France, $580,000,000; of Great Britain, $750,000,000, and of the United States $720,000,000, making $2,700,000,000. This is about the amount of the debt of the United States at the close of the war of the rebellion; and even this huge sum does not by any means represent the whole cost incident to the use of intoxicating drinks. To this must be added the loss of time thus occasioned, the expense of ill health and actual disease consequent upon rum-drinking, the cost of punishing the crimes committed by drunkards [and supporting the poor, the paupers, and the insane], and numerous other items, making in the aggregate an actual cost to society fully equal to the amount directly spent for intoxicating liquors. And also the fact that there are no profits that can compensate [even in part] for this enormous cost. Can there be any doubt, as a matter of sound political economy, to say nothing about good morals, that society should arm itself to the teeth for the suppression of a most expensive vice? The most stringent prohibition would be the highest wisdom. Why tamper with such an evil? Why not cut it up, root and branch?"

The people of Maine, in 1857, resolved that, for their State, it should be destroyed. They determined to try to put away the evils of intemperance by forbidding and suppressing its cause, to wit: the liquor traffic. The people of Maine consumed their full share of intoxicating liquors, and more, according to their numbers. They spent in strong drink the entire valuation of all their property of every kind in every term of less than twenty years. Maine was the poorest State in the Union. Its great industry was the lumber trade—converting its vast forests of pine into lumber, transporting it to the West Indies, and receiving in return for it West India rum, and molasses to be converted by its many distilleries into New England rum, all of which went down the throats of the people. Literally, our boundless forests of invaluable pine went down the throats of our people in the form of rum. The wages of the people were spent in that way, except a small part devoted to a miserable support of their families. Evidences of poverty were everywhere seen in dilapidated houses, barns, farms, school-houses, town-houses, and meeting-houses. Old hats and rags were in the windows to stop the broken panes; the roofs were leaking; doors were hanging by one hinge, and often there was no hinge at all. The miserable cattle, shaggy and hide-bound with neglect and famine, were

shivering under the lee of shabby barns, while their equally miserable owners were spending their days and nights around the stove of the country grocery, the larger part of whose sales was of rum consumed by these people. Maine was never a dollar the richer, but rather the poorer, for all this vast industry. The masses of her people were in the forest in winter, felling trees and drawing them to the water-courses, living in camps, with the inevitable rum as a large part of their rations. At the breaking up of the streams in the spring, the men "drove" the logs down to the mills. In these mills the mighty trees were converted into lumber, and in hundreds of ships this was transported to the West Indies. In camp, on "the drive," at the mills, and in the ships, rum was always in plenty—impoverishing, degrading, brutifying all who drank it.

The people of the State resolved in 1857 to change all this. They said by the law emphatically: "The manufacture and sale of intoxicating liquors is forbidden," and pains and penalties of fine and imprisonment were provided. They said further: "This act shall take effect upon its approval by the Governor." On that day there were great stocks of liquors in the hands of dealers, wholesale and retail, all over the State, and by the express terms of the law, all these liquors were liable to be seized wherever found, to be confiscated and destroyed, as a deadly enemy to the public weal. This extraordinary law of prohibition and suppression of a great trade passed through all its stages in both houses of the legislature in one day, by a vote of eighty-six to forty in the House, and eighteen to ten in the Senate. This was Saturday, the 31st of May, and on the morning of Monday, the 2d of June, the Governor approved the bill, and it became law, and it is so to this day.

The wires flashed throughout the country, and all over the world, the startling intelligence that in Maine the liquor traffic had been put under the ban of the law; that it was no longer to be tolerated, being condemned to die as inconsistent with the general good. Bad men everywhere were angered; good men rejoiced. At a great religious meeting in Boston on that second day of June, Lyman Beecher read the telegram announcing to him the wonderful event, and said: "Brethren, let us thank the Lord devoutly; this law hits the devil a stunning blow right between the eyes." The London "Times" said of it: "If this law shall remain on the statute books of Maine, it will show better

than any other thing can do that the people are capable of self-government." It does stand and will stand, thoroughly approved as it is by an overwhelming public opinion.

Governor Dix, of New York, in a message to the Legislature of that State, said:

"I have never doubted the expediency and rightfulness of such legislation [to prohibit the liquor traffic]. Intemperance is the undoubted cause of more than four-fifths of the poverty, pauperism, and crime with which the State is afflicted. I approve [such legislation] both as a matter of principle and policy; it lies in the direction of popular liberty — the right of the people to determine for themselves what is most conducive to their own interests."

Governor Long, of Massachusetts, in his message of January, 1881, says:

"There is a growing demand, shared by men of all shades of theoretical opinion, . . . that just as far and as fast as possible the dram-shop should be rooted out, in the interest alike of good morals and of the material welfare of capital and labor. The bureau of statistics has, during the year, added to its admirable work by conducting an original inquiry into the causes of crime. It has made personal investigation in every case in the nine criminal courts of Suffolk County, which were selected as a sample, and the result constitutes the strongest indictment against the use of intoxicating liquors that has been drawn. Of the sixteen thousand eight hundred and ninety-seven cases, more than seventy-two per cent. were for the various grades of drunkenness: and in addition to these, more than twelve per cent. were offenses committed by persons under the influence of liquor, leaving only some fifteen per cent. of crime to represent what would be the total amount but for the use of intoxicating liquors. These statistics are important, as presenting this subject in the economical light of its relation to the industrial interests of the commonwealth, and of an appeal to those who depend upon them, whether as employed or employers. They cannot fail to impress, not only the moralist, but, in view of the enormous waste they suggest, the economist, the manufacturer, and the working-man also."

The right of the State to prohibit the liquor traffic is not denied, because that question has been finally settled by all our highest courts of appeal, with no dissenting voice, wherever it has been raised.

The chief objection to the adoption of prohibition in other States, where it is strenuously urged, is, that in Maine no good results have come from it, or at least that these results have not met the expectations of the friends of the prohibitory policy. Let us see what the actual results of it have been and are. The open sale of liquors, immediately upon the enactment of the

law, ceased throughout the State. The dealers sent their stocks of contraband goods away, and the traffic, so far as it continued at all, was carried on upon a very small scale clandestinely by the lowest part of our people. There is now no distillery or brewery in the State. West India rum was formerly imported by the cargo; now, the liquor brought here is smuggled in small packages, concealed in flour-barrels or sugar-barrels, or in boxes marked "eggs" or "glass," or otherwise disguised, so as to deceive the officers, whose duty it is to seize liquors upon sight, wherever found, without a warrant, if they are suspected of being intended for sale.

The proportion for Maine of the national drink bill, according to its population, would be about thirteen millions of dollars annually, but we are confident that half a million will cover the cost of all the liquors smuggled into the State and sold in violation of law, but we set it down in our estimate at one million. This enormous diminution in the amount of the liquor trade in Maine, since the enactment of the law, is obvious to all who know what the trade was before; and the consequent improvement in the business of the State and in the condition of the people is very great. Many testimonies were obtained in 1872 from the highest authorities as to the actual working of the law, after more than twenty years' experience of it. These were intended to neutralize the many falsehoods that have been industriously circulated by interested parties as to its failure to accomplish any of the good that was expected from it.

Among these is one from the Governor of Maine and every member of the Executive Council, who say:

"At the time of the enactment of the Maine Law, the liquor traffic was carried on in Maine extensively and openly, as it now is in States where the trade is licensed. The effect of the law in diminishing the trade in intoxicating drinks was immediate and very great. In many parts of Maine the liquor trade has absolutely ceased to exist—liquor-shops are unknown, and wherever within the State the trade exists at all, it is carried on secretly and with caution, as other unlawful things are done. One effect of the law has been to render the liquor trade disreputable, and no person who knew Maine as it was before the law, and has been acquainted with it down to the present time, can doubt that the effect of the law has been most marked and salutary. Poverty, pauperism, and crime have been greatly diminished by it, because vastly less money has been wasted in strong drink. In some places, and at some times, the execution of the law has been fitful and capricious, yet, with these exceptions, the law has been as well enforced as our other criminal laws generally are."

Hannibal Hamlin, present United States Minister to Spain, Lot M. Morrill, late United States Senator, late Secretary of the Treasury, present Collector of the Port of Portland, and Wm. P. Frye, now United States Senator, said:

"At the time of the enactment of the law, in 1851, the traffic existed openly and everywhere in Maine, as it now does in those States where it is not prohibited. The immediate effect was to outlaw the trade, declaring it to be inconsistent with the general welfare, and reducing it to very small proportions.

"In many parts of the State it is now nearly or quite unknown. There are large districts of country where liquor-shops are absolutely unknown; and everywhere within our borders, where the trade exists at all, it is carried on secretly and in a small way.

"The favorable effects of this change are great, and everywhere apparent to the most casual observer who has any knowledge of the State prior to the year 1851. We do not believe the people of Maine, for any consideration, would again sanction the policy of license to 'drinking-houses and tippling-shops.'"

Mr. Blaine adds to this:

"I did not reside in the State prior to the enactment of the first prohibitory law, and therefore cannot make a comparative statement from my own knowledge; but so far as my knowledge extends, derived from twenty years' observation of the cause of temperance in this State, I most cordially concur in all that is said in the foregoing letter."

John A. Peters, then member of Congress, now Justice of the Supreme Court of Maine, and Eugene Hale, now United States Senator, said: "We are satisfied that there is much less intemperance in Maine than formerly, and that the result is largely produced by what is termed prohibitory legislation."

Benj. Kingsbury, Mayor of Portland, W. W. Thomas, Aug. E. Stevens, J. T. McCobb, Jacob McLellan, ex-Mayors, said: "As the result of the policy of prohibition, we have to say that the liquor traffic has fallen off very largely. The diminution of the trade is very great, and the favorable effects of the policy of prohibition are manifest to the most casual observer."

Wm. L. Putnam, ex-Mayor of Portland, said: "I have had good opportunity to observe the condition of this State in matter of the use and sale of intoxicating liquors for several years past, as compared with some other States where there are no prohibitory laws, and am certain that the rural portions of Maine are, and have been, in an infinitely better condition with reference to

the sale and use of such liquors, than similar portions of other States referred to. And this must fairly be considered the result of prohibitory legislation."

Walcott Hamlin, Supervisor of Internal Revenue, District of Maine, New Hampshire, and Vermont, said: "In the course of my duty as internal revenue officer, I have become thoroughly acquainted with the state and extent of the liquor traffic in Maine, and I have no hesitation in saying that the beer trade is not more than one per cent. of what I remember it to have been, and the trade in distilled liquors is not more than ten per cent. of what it was formerly. . . . When liquor is sold at all, it is done secretly, through fear of the law."

General Chamberlain, President of Bowdoin College, ex-Governor of Maine, said: "The declaration made by many persons that the Maine Law is inoperative, and that liquors are sold freely and in large quantities in this State, is not true. The liquor traffic has been greatly repressed and diminished here (Brunswick) and throughout the State, and in many places has been entirely swept away. The law is as well executed generally in the State as other criminal laws are. . . . Where liquors are sold at all, it is in very small quantities compared with the old times, and in a secret way, as other unlawful things are done."

E. G. Harlow, of the Executive Council in Maine, said: "I am thoroughly acquainted with my own county (Oxford), and do not hesitate to say there is not now a gallon of liquor sold, where there was once a barrel, before the Maine Law of 1851. At our last term of Supreme Judicial Court, not a single indictment for any crime was found. Our county jail is empty, our work-houses greatly reduced (in number of inmates), and the improvement is wonderful."

Ex-Governor Dingley, in an article published in March last, says:

"Prohibition has effectually stopped the manufacture of distilled and fermented liquors in Maine. . . . To-day there is not a distillery or brewery in Maine. Prohibition has well-nigh stopped the traffic in intoxicating liquors in the rural districts of Maine. . . . All the country taverns had open bars, and all country stores sold liquors as freely as molasses or calico. The town of Durham, with less than fifteen hundred inhabitants, had, in 1832, seven licensed grog-shops. To-day there is not a drop of liquor sold in town. Readfield had seven open bars, at which were sold two thousand three hundred gallons of spirits annually. Now none is sold to be used as a

beverage. Minot (then including Auburn), with a population of two thousand nine hundred and three, in 1833, had thirteen grog-shops. Now, these towns, with a population of ten thousand, have not one place where liquor is known to be sold as a beverage."

The article of Governor Dingley contains a great many more statements of facts and figures to the same purpose, and concludes:

"Prohibitory Maine has about the same population as licensed New Jersey, yet the liquor tax in the former State is only three cents per inhabitant, while in the latter State it is two dollars and forty cents, and in the country at large one dollar and eighty-three cents. In reply to the assertion that tobacco and opium are taking the place of liquor-drinking in Maine, I may mention that the tobacco-tax paid by Maine is only seventeen cents per inhabitant, while the average for the country is one dollar per inhabitant; and opium-eating is far less prevalent here than in other Eastern States."

The address to the people of Maine by the State Temperance Society, in 1880, says:

"After a trial of nearly thirty years, interrupted by two years of license in 1856 and 1857, the judgment of a decided majority of the people of Maine is that prohibition is more effective in mitigating the evils of the dram-shop than any other legal policy ever devised.

"In more than three-fourths of the State, including most of the rural districts and many cities, prohibition is faithfully enforced by the ordinary officers of the law, with the most gratifying results. There is not a distillery or brewery in our limits. In the rural districts and a large portion of the villages, open dram-shops are unknown, and secret sales rare. In a majority of the cities, the open dram-shop is unknown. In the cities of Lewiston and Auburn, with twenty thousand people, for example, the success with which the liquor traffic has been restrained for many years affords the best evidence of the practicability and wisdom of our prohibitory laws."

The Legislative Committee on Temperance, 1881, say:

"The people of the State have had ample opportunity to observe the working of our prohibitory law, and to judge of its efficiency in restricting the sale of liquors, and in suppressing the vice of intemperance. A large majority of the citizens of Maine, we are confident, believe that it is a righteous law, and that it has proved an effective agency in shutting up liquor-shops and restricting the sale and use of intoxicating liquors.

"'The principle of prohibition,' says Governor Davis in his message,—and we fully indorse the statement,—'has been so long the settled policy of the State, and has been found so useful and effective in suppressing the liquor traffic, that no party or class of men now dare to assail it.'"

The results of prohibition in Maine have been so satisfactory to the people, that there is no organized or respectable opposition

or objection to it in any quarter. It is now accepted by the great body of the people as the settled policy of the State. The Republican party in Maine, from its foundation, has adopted prohibition as a chief plank in its platform, and it remains such to this day. The Democratic party, at its State conventions, has repeatedly and emphatically repudiated the policy of license to the liquor traffic, and is therefore virtually committed to prohibition.

In 1878, the Republican State Convention resolved: "It is a source of congratulation that the principle of prohibition, which has always been upheld by Republicans, is now concurred in by so large a majority of the people that it is no longer a party question, the Democrats having for several years declined to contest and dispute it. . . . Temperance among the people may be greatly promoted by wise prohibitory legislation."

In 1879, the Republican State Convention said: "We recognize temperance as a cause which has conferred the greatest benefits on the State, and we sustain the principle of prohibition, which, in its operation, has so largely suppressed liquor selling, and added incalculably to the sum of virtue and prosperity among the people. Every interest of the State and its people requires the thorough and impartial enforcement of all the laws."

In the Republican State Convention of 1880—the last convention—it was "*Resolved*, That experience has demonstrated the wisdom of the policy of prohibition as an auxiliary of temperance, and as contributing to the material wealth, happiness, and prosperity of the State; and we refer, with confidence and pride, to our undeviating support of the same as one of the cardinal principles of the Republican party in Maine."

If it be conceded that the people of Maine possess an ordinary share of intelligence, so as to be able to judge properly of their own interests, it would be impossible that the political parties should occupy such ground in relation to prohibition, unless the results of it were clearly good.

It was charged by a political paper in Maine, during the campaign of 1880, that the State had suffered greatly in its material interests during the last twenty years, under Republican rule. At a great political meeting, held a week or two afterward, at City Hall, Portland, Mr. Blaine alluded to this, and said: "There is no State in this Union that has prospered so much as Maine has during the last twenty years": and he went at length into the subject, so as to demonstrate to the vast audience that he had

properly stated the fact; there has been no reply to his assertion or his argument from any quarter.

The liquor traffic still lingers in some of the larger cities in Maine, where it is conducted upon a comparatively small scale, and with more or less secrecy, mostly by the same class of men who keep gambling houses and houses of ill-fame, the lowest part of our foreign population. The traffic here occupies the same place in public opinion that these other crimes do. This persistency of the traffic in the cities is due entirely to some defects in the law, as it now stands, which we know perfectly, and which will be corrected by and by, and then the last vestige of this great evil will be summarily swept away. We shall then be able to demonstrate to the world, more thoroughly than we now can, how great are the benefits to the State and people resulting from the absolute suppression of the liquor traffic, from which the nation suffers more, year by year, and every year, "than from war, pestilence, and famine, those greatest scourges of the human family."

NEAL DOW.

THE

NORTH AMERICAN

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Tros Tyriusque mihi nullo discrimine agetur.

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ART.		PAGE.
I.	THE CRISIS IN UTAH. By ELI H. MURRAY, Governor of Utah Territory.	327
II.	WHY THEY COME. By EDWARD SELF.	347
III.	ANTI-VACCINISM. By HENRY AUSTIN MARTIN, M. D.	368
IV.	THE CIVIL SERVICE REFORM CONTROVERSY. By E. L. GODKIN.	379
V.	A NATIONAL MILITIA. By ALBERT ORDWAY.	395
VI.	THE RUINS OF CENTRAL AMERICA. Part X. By DÉSIRÉ CHARNAY.	401
VII.	BOURBONISM IN VIRGINIA. By H. H. RIDDLEBERGER, United States Senator.	416

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NORTH AMERICAN REVIEW.

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APRIL, 1882.

THE CRISIS IN UTAH.

FOR many years the country has been hushed into silence by the idea, systematically disseminated by adroit polygamous leaders, through their agents and apologists, that "time will solve the Mormon problem." This idea was readily accepted by superficial minds, by those who think little of and care less for sound government, and by those who fail to appreciate the fact that childhood can have right training, and youth can attain true manhood and true womanhood only in the monogamic family. The tricks of trade in business between the East and Utah tend to the misleading of the Mormon people now as did the bad advice of designing politicians in Illinois in 1840–45.

Impelled by an overweening desire to gather political strength for their peculiar government, which, they profess to believe, is soon to supplant all governments that are not of the "Saints"; profiting nothing by their sad experiences among "the wicked people" of the East; not wise enough to resist, nor patriotic enough to bury out of sight and forever, in the graves with Moses and Abraham and Joe Smith, their dream of polygamic empire, they now, as then, nourish within their bosom this fatal hope — a serpent which, when warmed, will now, as then, sting with destructive fangs.

The question of religion does not in any proper sense enter, at this day, into a legitimate discussion of the Mormon question.

As the Presbyterians are entitled to their belief in the teachings of John Calvin, or the Methodists in the teachings of John Wesley, so the Mormons are entitled to their belief that Joe Smith was a prophet. In this they have greatly the advantage of the world at large, who do not know this fact as they do, and they may draw from that belief all the comfort it is calculated to afford. The fact that a large body of "Mormons," disciples of Joe Smith, the head of which is his son, exists in the United States to-day, with churches of their own; that these people live in good neighborhood with the communities whence the Brigham Young Mormons were expelled; that they are good citizens, and believe that the "revelation" as to polygamy was the work of the devil, and that the exercise of temporal power by church authority is wrong, indicates the line of demarkation between the "free exercise" of religious belief guaranteed by the Constitution, and the abuse of it, to usurp political power, and to set up a government to which the saints are required to yield an allegiance above and beyond the flag, and the Constitution and laws it represents.

The act of 1862, condemning polygamy as a crime, which, in the test case of Reynolds, was declared constitutional by the Supreme Court of the United States, put forever at rest, and out of any legitimate argument, the religious aspect of the question. This act of Congress met with violent denunciation from the Brigham Young Mormons who possessed Utah, and who were tied to a defense of polygamy by the chain of "plural wife" slavery. Notwithstanding the decision of the Supreme Court of the United States sustaining the act, the polygamous leaders here in Utah still proclaim it to be "onconstitutional" and, as before its passage, still persist themselves, and teach their people to persist, in the beastly practice. Here in Utah we see them defiantly nullifying the righteous act, in spite of Congress and in contempt of the solemn adjudication of the Supreme Court; elsewhere we see them explaining and apologizing, and attempting to excuse defiant crime by specious argument and special pleas, presenting the question to the people of this country with mysterious cant, and to Congress as a grave problem—a Gordian knot, which Governmental action cannot solve. Congress, with the passage of the act, failed to provide the means for its execution. Polygamous marriages are entered into secretly and without registration, so far as we know or can know,

from record evidence or from the law-defying lips of those who perform the rites within the bolted doors of endowment houses. The rules of evidence are inadequate. Unwilling witnesses, like trembling hares, placed upon the stand, add perjury to their crime of conspiracy to nullify the laws. The system by which juries are summoned is faulty.

A poor man in the mountains, who raises a scanty crop of tobacco or corn, and sets up a manufactory for his tobacco, or a still for his corn, is soon visited by officers, who break open the unlawful establishment, forfeit the premises, and arrest the offender and all who are employed by him. To prevent crime and arrest criminals, a search-warrant authorizes the officer of the law to break into the dwelling-house of a citizen. An attachment will authorize an officer in a matter of mere debt to enter a citizen's home and seize his property.

Why should a writ be withheld, that would authorize an officer to enter an endowment house, within whose precincts the laws are in defiance broken, and where first and only lawful wives are required to give place to other and unlawful "so-called" wives? Why may not the law stop this bringing into the world of innocent children, upon whose forehead civilization must place the burning brand of illegitimacy? An aroused public sentiment, now so fully expressed, but for so long cruelly withheld, attracted by the sobs of virtuous and insulted womanhood, turns to lift up the shielding law so long trampled in the dust, in this inter-mountain land.

Inattention by Congressmen will be regarded by their home circles as inexcusable, and their action as criminal, and odium will clothe the man as with a garment who attempts to rob an effective measure of its power. The way is clear, free from any legal or constitutional obstacles; the power rests absolutely in the hands of Congress. The President has spoken in no uncertain tone. It has been forcibly stated that "Utah is not a Mormon reservation, but an organized Territory of the United States," purchased by the blood and treasure of the country expended in the war with Mexico, and ceded by the treaty of peace signed at Guadalupe Hidalgo. It belonged to the flag of this country then, and it belongs to that flag now. About the time of the inception of that war, the Mormon people, with exceeding bitterness in their hearts, resulting from quarrels with their neighbors in Illinois, and their conflict with the Govern-

ment of that State, turned their faces to California, which was then Mexican territory, and their backs to the United States.

The "oneness" of the Mormons, their dream of empire, and their greed for unwarranted political power and unnecessary polygamous wives, is the fruitful source of all their trouble. Without going farther back, it is necessary for anything like an intelligent understanding of the question to review their Illinois history. Expelled from Missouri, the people of Illinois gave them hospitable welcome. It will be seen that of all people the Mormon leaders have the happiest faculty of taking to their bosoms designing men and bad advisers, of absorbing and acting upon false ideas of their civil and political rights, and of attributing to the protecting power of God any failure or delay in applying to them the self-same principles of government, and enforcing among them the same laws, that govern other communities in the United States. They utterly fail to understand or appreciate that the Government, its representatives, or its citizens, may differ with them, and honestly desire to apply law to the guilty and to break their usurped political power, and yet not be unfriendly to the individual. Their leaders industriously teach the people to regard as enemies all who differ, with active force of word or action, with them in the exercise of their ecclesiastical or political power. This is a sad mistake for the body of the Mormon people. In Utah, it has served a purpose in the past. It remains to be seen how much longer power can be retained by this means.

The fierce political contests of 1840–44, between the Whig and Democratic parties, are historic. The introduction of so large a body of voters into Illinois at that time was a matter of great moment to the political parties. The grant of power under a charter to the Mormons for Nauvoo, and subsequent acts, together with the manner of their passage, stand as a mockery of intelligent and honest legislation. As such must be considered the acts, yielded by both Whigs and Democrats to the demands of this peculiar people.

Of the charter and subsequent acts granted by the legislature of Illinois, the governor (Ford), a Democrat, in his history says: "They were unheard-of and anti-republican in many particulars, and capable of infinite abuse by a people disposed to abuse them." Driven from the Democratic State of Missouri by a Democratic governor, they had appealed to President Van Buren, a Democrat, for redress of the wrongs they alleged had been in-

flicted upon them. Mr. Van Buren declined to act upon or entertain their request, for want of constitutional power to interfere with domestic affairs within a sovereign State. Mr. Clay, then in the Senate, and Mr. Stuart, of Illinois, both Whigs, countenanced and introduced before Congress their memorials. Voting with the Democrats always in Missouri, coming to Illinois, they first voted the Whig ticket.

Dr. Bennett, a man of some talent, said on good authority to have been "the greatest scamp" in the then western country of Illinois, possessing, however, the confidence of the Mormons, presented himself, as their agent, to the Legislature at Springfield. Flattering both political parties with the promise of the Mormon vote, he asked a charter for the city of Nauvoo. He found the state of political parties favorable for his purposes. The charter, through the efforts of Mr. Little, a Whig senator from their district, and Mr. Douglas, at the time Secretary of State, passed the Senate without the ayes and noes, and passed the lower house, "where it was never read except by its title." This anti-American grant of unheard-of power carried with it to the Mormons' home, trouble and woe and death. Independent of State laws, under this charter was established a mayor's court, with exclusive jurisdiction, and a municipal court, composed of the mayor as chief-justice, and four aldermen as associates, and to this court was given the power, among others, to issue writs of *habeas corpus* in all cases arising under this grant of power, which, it will be remembered, was independent of State laws. Under this charter the "Nauvoo Legion" was organized, entirely independent of the military organization of the State, except that the Governor, as of necessity he must be, was the commander-in-chief. The powers granted and those assumed are without precedent, and a higher rank was given their commanding general than any officer of the United States army at that time held. In 1841 these fatal powers were organized,—an *imperium in imperio* the result.

> "Now call we our high court of parliament,
> And let us choose such limbs of noble counsel,
> That the great body of our State may go
> In equal rank with the best governed of nations."

Joseph Smith, the prophet and head of the church, was made mayor, presiding officer of the "parliament," and judge of the mayor's court. Joseph Smith, the prophet, and head of the

church, was made chief-justice of the municipal court, and Joseph Smith, prophet and head of the church, was made lieutenant-general and commander-in-chief of the divisions, brigades, cohorts, regiments, battalions, and companies comprising the Nauvoo Legion. Thus he was at once mayor, chief-justice, and lieutenant-general, as well as prophet, priest, and king. Joseph Smith traced his descent from Joseph, the son of Jacob, and it must have been at this time that he conceived the idea of establishing himself a temporal prince, as well as a spiritual leader, with certain of his priesthood as the nobility. The body of guards known as the "Danites," formed some time after this, was organized to protect the person of the sovereign, and "to obey his orders as the orders of God Himself."

In the meantime, two or three requisitions from the Governor of Missouri were made upon the Governor of Illinois for the arrest of Joseph Smith as a fugitive from justice, charged with the gravest crimes known to the law. Upon one of these, the first, he was arrested, and, by writ of *habeas corpus*, taken before Judge Douglas and released on technical grounds. On another writ, he is said to have been either rescued by his friends or released by the municipal court of Nauvoo, whose government had passed an ordinance declaring, in effect, that "the municipal court should have jurisdiction in all cases of arrests made in the city by any process whatever."

This ordinance was the fruitful source of dire calamity. In the winter of 1842, another requisition from Missouri was made for him, and upon the warrant based on this particular requisition, he expressed the desire to have it brought before the United States Court, and, under advice, went to Springfield and surrendered himself. By writ of *habeas corpus*, he was taken before Judge Pope, of the United States District Court, and discharged. During all this time the Mormons had received and accepted more bad advice from men of both political parties, as to their political rights, than can well be imagined by those unacquainted with electioneering devices. The release of the prophet on *habeas corpus* by Judge Douglas, a Democrat, had made Smith and all of his people, for the time being, Democrats. Now that he had been released by a Whig Federal judge, the Whigs confidently expected their votes, and governed themselves accordingly. In these instances it was a fact patent to all

others, except the Mormons themselves, that the discharges had been granted, not because Judge Douglas, as a Democrat, or Judge Pope, as a Whig, were serving their respective parties, but by virtue of the shielding technicalities of *habeas corpus*.

In the spring of 1843, another requisition from Missouri was followed by another warrant for Smith's arrest. A constable of Hancock County, accompanied by the agent of Missouri, arrested him at a place other than Nauvoo, where he happened to be. The prisoner was turned over to Missouri's agent, and was being taken to that State, when the whole party was captured by a body of armed Mormons, and taken in the direction of Nauvoo. On the way they "were met by hundreds of Mormons coming to the rescue of their prophet, who conducted them in triumph to his own city." A writ of *habeas corpus* from the all-powerful municipal court was issued; Cyrus Walker, Whig candidate for Congress, was sent for, and in a labored argument of three hours, he succeeded in assuring that court that its power was complete to issue the writ, and Smith was again released. Not to be outdone, Mr. Hoge, the Democratic opponent of Mr. Walker, soon appeared in Nauvoo, and both he and Mr. Walker, the day following, in a public assembly, gave their solemn opinion in favor of the power of the court to protect their prophet, by this ancient writ. As Walker and Hoge, to gain votes, deceived a deluded people as to their rights, so since, and now, such men, for their own profit, are making to these people promises to the ear, and breaking them to the hope.

It would seem that no further assumption of power was possible. Smith had been released, under the ordinance usurping jurisdiction "in all cases of arrests made in the city by any process whatever." No further demand had been made by Missouri for him, but great bitterness of feeling was exhibited toward the Mormons, and they returned the compliment. Crimes were laid at their doors, and crimination and recrimination followed. In the winter of 1843–4, a further enactment of the council of Nauvoo provided that "no writ issued from any other place than Nauvoo, for the arrest of any person in it, should be executed in the city *without an approval endorsed thereon by the Mayor* (Smith); that if any public officer, by virtue of any foreign writ, should attempt to make an arrest in the city without such approval of his process, he should be subject to imprisonment for life, and that *the Governor of the State should*

not have the power of pardoning without the consent of the Mayor." Need more be written? Could arrogance and defiance be more complete? At this time they petitioned Congress to establish for them a territorial government, within the bounds of Illinois, of which Nauvoo should be the center. Joseph Smith announced himself as a candidate for president of the United States, and at once sent thousands of missionaries throughout the country to electioneer for their prophet, and preach the gospel.

While this was going on, emboldened by his triumph over the process of the law, and feeling secure within Nauvoo as a city of refuge, his people "openly denounced the Government of the United States as utterly corrupt, and as being about to pass away, to be replaced by the Government of God, to be administered by his servant Joseph"; and about this time the "celestial wife system" began to be indulged in, in a quiet way.

The attempt of Smith to make the wife of one of his chief disciples, William Law, a spiritual wife to himself, excited indignation and rebellion upon the part of Law and his brother, who was a major-general of the Nauvoo Legion, and their indignation was shared by a number of other leaders. To enlighten the brethren, the Law party established a newspaper, and issued one edition—its last. Without notice of trial, witnesses, or jury, in an *ex parte* proceeding,—"partly civil and partly ecclesiastical,"—the press was condemned as a nuisance, and its owners proclaimed to be bad citizens, and expelled from the church. By order of Mayor Smith, the city marshal, aided by a detail of the Nauvoo Legion, destroyed the press and scattered the type and other material. The constitutional guarantee of freedom of speech and of the press may have existed in the United States, but that article of the Constitution was clearly "onconstitutional" in Nauvoo. The owners of the press left Nauvoo, secured warrants for the arrest of the mayor and members of the council and others, and caused the arrest of some of them, but the prisoners were immediately released on a writ of *habeas corpus*, issued from the municipal court.

Great indignation pervaded the people of all the region lying about this the city of their refuge,—all manner of crime being charged against them, and they regarding all Babylon with bitterness, and complaining of having been driven from Missouri on account of their religious belief. Governor Ford writes: "Upon the whole, if half of these reports had been true, the

Mormon community must have been the most intolerable collection of rogues ever assembled; or if one-half of them were false, they were the most maligned and abused." He says: "There were many known truths which gave countenance to some of these accusations," and recites many instances of felonies and misdemeanors. In justice to the Mormons, he says: "The charges against them of promiscuous stealing appeared to be exaggerated." It is true, and for the purpose of this article enough, "that the municipal court, of which Joe Smith was the chief-justice, by writs of *habeas corpus*, had frequently discharged individuals accused of high crimes and misdemeanors against the laws of the State, and on one occasion had discharged a person accused of swindling the Government, and who had been arrested by process of the Federal court."

The end was near at hand. The excited people of the neighboring counties became a mob. The militia of different localities was under arms, clamoring for the order to march on Nauvoo. Joe Smith, as lieutenant-general of the Legion, had declared martial law, and the city was a military camp. The Governor of the State arrived at Carthage, the county seat, to enforce the execution of the laws by the military arm. Smith revoked his order declaring martial law, and the Governor, instead of marching on Nauvoo, sent a constable to arrest Smith and others. They agreed to surrender and proceed to Carthage the following morning at 8 o'clock. At 8 o'clock sharp, Smith and the persons for whom he had warrants not appearing, the constable at once departed, and reported that he had information that the offenders had fled. Smith, his brother Hyrum, and those who had been demanded, followed soon after and surrendered. All were discharged on their recognizance to answer the charge of riot, except the Smiths, who were held in confinement on the charge of treason. Captain Singleton, now a member of Congress, at the request of the Smiths, was sent to Nauvoo to guard the town, and, by the direction of the Governor, took command of the Legion. He reported that, upon two hours' notice for inspection, two thousand assembled, all armed, and this after the arms belonging to the State had been taken away from them.

The Governor, leaving a picked guard from the militia, who seem to have been a howling mob, having given strict instructions for the safe keeping of the prisoners, and having a promise that their duty should be performed, left for a hasty

visit to Nauvoo to restore order, and to provide for the further execution of the law. The guard, recreant to their duty, false and faithless to their trust, in concert with a mob, consisting of a part of the militia, broke into the jail, or allowed it to be broken into, and, as has too often been the case in our country, the prisoners were taken from the hands of the law by the hands of a lawless mob. Returning the fire of the mob, Hyrum Smith was killed, John Taylor, the present head of the church, who at the time was in the jail with the Smiths, was seriously wounded, and Joe Smith, the prophet, jumped from a window, and was shot dead in his attempt to escape from death within. This was the unlawful ending of the career of Joe Smith. He had forfeited his life by an act of treason against the State of Illinois, but he should have died, after a fair trial, by the hands of the law. To the mob of Illinois must be charged the blood of Joe Smith, which was regarded then, and is now regarded by devout Mormons, as the blood of a martyr. The chapter ended with the entire disruption of the Nauvoo power, and the expulsion of the Mormon people from another State. A kinsman of the writer, an officer of the State of Illinois, afterward killed in the war with Mexico, under the authority of the Governor of Illinois, did much in adjusting matters of difference between the Mormons and the people, and in their preparation to leave Nauvoo. The Mormons who remained in Illinois proved to be good citizens, living in friendship with their neighbors, and have always enjoyed the full blessing of protection in their religious belief, because they make no attempt to exercise unlawful, and therefore fatal, political power.

In tears, in poverty, and in suffering, the others, under Brigham Young, who made himself the successor of Joe Smith, turned their faces to the far West, then belonging to Mexico, with farewells to the United States, carrying with them bitterness and hate from the conflict with their neighbors and the State, and a thirst for vengeance that could only be allayed by the blood of their enemies. They profited nothing by their experience, but blindly persevered in their purpose to establish a theocratic government on this continent.

The war with Mexico had been declared. Under the call for troops, thousands were denied admission into the army. The response was far beyond the call. An agent of the Mormon people visited Washington, and his request that they be allowed

to furnish an organization was granted, and by this means money was procured to help the Mormon emigrants across the plains toward California, their destination. It is not a fact, as so persistently told, and believed now by Mormons generally, that the Government demanded their young men, in order to expose their families to the attacks of Indians on the plains. The reverse is true.

The Mormon pioneers, numbering one hundred and forty-three men, entered Salt Lake Valley on July 24, 1847, having left the Missouri River on April 14th. The beautiful valley was all that pioneers seeking homes could ask. The prospect was inviting, and gave assurance that the soil would make quick response to the touch of cultivation. Five days later, a portion of the "Mormon Battalion" enlisted under the call for troops for Mexico, numbering about one hundred and fifty men, under Captain Brown, arrived, accompanied by a party of emigrants from the State of Mississippi. Hundreds of emigrants had before this passed into and through what is now Utah. Colonel Bonneville, of the United States Army, fifteen years before, had explored all this country. From his "Journal of an Expedition to the Rocky Mountains," Washington Irving wrote his interesting book of Western life. Jim Bridger had made it no longer "terra incognita." Fremont came in sight of the great Salt Lake on September 6, 1843. It is said that his "investigations effected important rectifications in our geographical knowledge of this portion of the continent, and had subsequently a powerful influence in promoting the settlement of Utah and of the Pacific States." From the Fremont surveys, and other reports, the roads were well defined, the latitude, longitude, and altitude of different points, including Salt Lake, were well known. Fifteen years after Bonneville's expedition, and four years after Fremont's accurate reports had been published, Brigham Young, guided by this information, laid out Salt Lake City, and made preparations for a permanent habitation. Returning to the Missouri River, he started back the following spring with nineteen hundred men, women, and children, from what was known as Winter Quarters, arriving at Salt Lake City in September, 1848.

Pioneer life, from the landing of the Pilgrims, through the settlements of Ohio, Kentucky, and all the great West, was filled with romance, danger, and suffering. The pioneers of Salt Lake

had their share of them, and as pioneers they are entitled to all the honor that pertains to early settlement.

During the winter of 1848–9, preparations were made for State organization, and on March 8, 1849, a memorial was sent to Congress asking for a State government. The same insane greed for sovereign power which characterized the Mormons at Nauvoo is seen in this unheard-of and extraordinary request. As the possession of power proved fatal to them then, it would have proved fatal to them in this instance.

Not content with the custom followed from the foundation of the Government,—not willing, like Michigan, Illinois, Missouri, Alabama, Oregon, and other Territories with sparse populations, now prosperous States, to have a grant of territorial organization, in which to pass an infantile age,—Brigham Young at once organized the State of Deseret, which embraced a territory in which now exist half a dozen States and Territories, and made himself governor, with officers, from chief-justice down, chosen from the officers of the church, and a legislature of like character. In fact, history fails to record an instance of a scheme of government so elaborate, so rapidly formed, in a territory so vast, and with so few people, as is shown in the history of the State of Deseret.

Why they failed to obtain a grant of State sovereignty, with all the term implies, is an enigma that puzzles the student of Mormon history, when he considers the success which has attended all their other intrigues and machinations, whether at Springfield or at Washington. Why it was not granted, in deference to their peculiar religious views, and on the principle that the world belongs to the "Saints," or with a view to conciliation for political purposes, will, in the light of subsequent action within and out of Congress, forever remain one of the mysteries of the political history of the United States during the last half of its first hundred years.

The custom, however, that had prevailed from the organization of the thirteen original States was happily not overridden, but the best that could be given by the Government was readily granted. On September 9th, 1850, by act of Congress, Utah was organized as a Territory, and Brigham Young, "the Prophet, Seer, and Revelator," was appointed governor. This anticipated action of the Government had been announced a few months before by an earthquake shock, the first ever known

in the State of Deseret. The exercise of power and the organization of Deseret were continued long after Congress had provided for them a generous territorial organization. The immense emigration to the gold-fields of California made Salt Lake City the half-way house, and every pound of grain, potatoes, beans, buckwheat, turnips, etc. that was raised brought fabulous prices from the passing emigrants. Surely the lines of this people "had fallen in pleasant places." Settlements in other counties were made, cities of immense area were laid out; polygamy, that heretofore had been denied either as a revelation, a tenet of the church, or a practice of its people, was indulged in to a degree limited only by supply; exaltation in the great beyond was attainable only over the crushed hearts of first wives, and by uncomplaining servitude on the part of the others. It has been claimed that the appointment of Brigham Young as governor, first by President Fillmore and secondly by President Pierce, gave a moral support, on the part of the Government, to the practice of polygamy. This is not a just criticism in one sense, as at that time it was not generally known, and at Washington and elsewhere it was denied, as either a doctrine or a practice. Therefore it was the appointment, simply, of the head of a church in a remote Territory.

It is true, however, that the effect of this action was to give, if possible, added power to the autocratic and arrogant head of a theocratic government, and to enable him the more completely to govern with a mailed hand a deluded and helpless people. There is much, very much, in the history of Utah during these and after years, that may not be told without harrowed feelings, and which always has, and always will, follow unrestrained power when joined with either avarice, lust, ambition, or fanaticism. Communities, like individuals, accept and act upon false ideas, oftentimes honestly entertained, and upon these, after they have become inveterate, the light of truth falls without effect. Falsehoods, oft repeated, set aside and take the place of truth in history. So with Utah; its history is often made to suit the times and men to whom it is told, without regard to historic precision. The proclamation of Brigham Young, as governor and commander-in-chief of the militia, upon the approach of the army of the United States, under General Albert Sidney Johnston, in which, among other things, he forbade the soldiers of the army of the United States to enter the Territory of Utah, and

marshaled the people of the Territory in war against them, is without question the most arrogant treason ever perpetrated in a small way. Nothing Joe Smith ever did can compare with it. For this Brigham Young forfeited his life, and the humane Government of the United States is, perhaps, the only one on this earth that could have forgiven the crime, and that could afterward, with a view to conciliate this peculiar people, send distinguished citizens as commissioners of peace, to treat with them as with a foreign power. The Utah question should have been settled at the time General Johnston's expedition reached Utah, not with force, unless required, but by such Congressional action as would have insured thorough recognition, by the Utah government and its people, of the absolute supremacy of the flag.

The result of this expedition, however, made it appear to them that the Government and its representatives were secondary in importance and power to Brigham Young. Sentimentality, timidity, and technicality at Washington gave a new lease of power, and systematic exaction of the fruits of honest labor continued; "rapacity preyed upon industry" with renewed vigor, and all the time children were born into the world with the brand of illegitimacy upon their innocent foreheads. When the troops were called away, and Camp Floyd, which had been established fifty miles distant from Salt Lake City, was broken up, in order to conciliate Brigham Young, the sale of horses, wagons, supplies, etc. for a mere song was a source of great profit to the Mormon people, adding largely to their facilities for trade among themselves and with the great bodies of emigrants that continued to cross the plains. During the civil war, which soon followed, Brigham Young contemplated the conflict with satisfaction, hoping that in the wreck of matter he might extend his kingdom.

In 1862, General Conner established Fort Douglas, near Salt Lake City, and in that year Congress passed the act condemning polygamy as a crime. The establishment of Camp Douglas was regarded by Brigham Young as an infringement upon his rights, and the anti-polygamy act was denounced by him as unconstitutional. In the meantime "rapacity preyed upon industry," plural wives multiplied, and illegitimate children were born.

It has been charged, among other things, that with the coming of the Gentiles, entered intemperance and prostitution. The facts do not warrant the assertion. A distinguished visitor,

on being told that Utah was the only place on earth where the Jews are all Gentiles, facetiously remarked, "And where, perhaps, saints are all sinners." The completion of the Great Pacific Railway, in 1869, may be regarded as the date of the coming of the Gentiles, although there was a goodly number prior to this. The discovery of gold and silver in large quantities brought a great number in this and the next two or three years.

Brigham Young was unfriendly to this industry, and the Legislature, later, sought to put an end to it by imposing an enormous tax on the proceeds of mines, which was properly vetoed by the Governor.

There are in Utah, as in the rest of the world, two classes of people,—good people and bad people. There are good Mormons and bad Mormons, good Gentiles and bad Gentiles. The Gentiles are not, and do not claim to be, faultless. The great body of them, however, are men of intelligence and wealth, of thrift and industry. With increasing population, virtue increases and vice increases in Utah as in the rest of the world.

The record of distilled spirits and of bonded goods in the collector's office for the district of Utah shows that thirty-seven distilleries were started in Utah between September, 1862, the time when the United States internal revenue system went into effect, and December, 1869, when the railroad reached Salt Lake, bringing in the Gentiles. No distillery has been operated in Utah since 1870. All of these distilleries were owned by Mormons. Brigham Young here, as Joe Smith in Nauvoo, was largely interested in the business. Three of these distilleries were run by city corporations, the mayors of which were high officers in the church, and among the corporations interested in the distillation of spirits was that of Salt Lake City. On August 14th, 1877, the city of Salt Lake paid $12,051.76 tax on whisky made ten years previously, and on which the tax appeared, by comparison of the city's books with the books of the Government in the collector's office, to have been evaded when it should have been paid. For this the mayor, who managed the business, was never prosecuted criminally, as he certainly would have been in other parts of the country. The city kept a liquor store, rectifying, wholesale and retail, from the time it commenced distilling in 1862 until the coming of the Gentiles, turning into the city treasury in this time more than one hundred

thousand dollars profit on account of it, besides the stealings. The population of Utah, men, women, and children, in 1870, was 87,000. Number of distilleries started from 1862 to 1869, thirty-seven.

The Auditor's report for the year 1881 shows the taxable property of Utah to be $25,579,234. In this are included all the railroads, which, with one exception, are owned exclusively by Gentiles, and of that exception a very large majority of the stock is owned by Gentiles; also the large mercantile and manufacturing interests owned by Gentiles, as well as the farming and other industries owned exclusively by Mormons. The products of mines, not taxed, shipped from Salt Lake for the last year, was nine million dollars; of this, say six millions was the income of the producing mines of Utah for a single year, not counting the non-producing mines. It will at once be seen that the wealth of this Territory is largely in the hands of the Gentiles. The grade of intelligence is unquestionably higher on the Gentile side; and yet this minority have no voice in the legislative assembly nor in the application of their taxes under the law.

If it be true in the science of government that intelligence and wealth will in the end control, it remains to be seen how much longer the reverse of this doctrine will continue in Utah.

The Mormon church is an incorporation under a law of the State of Deseret, passed five months after the act of Congress establishing Utah, and continued by virtue of an act of the Legislature of Utah. That act is a remarkable grant of power, and is interesting reading, and stands as a legislative voucher that the principles and practices of the Mormon church are not repugnant to the Constitution of the United States, and are founded in the revelation of the Lord. Connected with this corporation are secular attachments, which are and have been exacting monopolies, enriching the few at the expense of the many to an unprecedented extent.

Polygamic slavery, debasing and debauching in many respects beyond African slavery, a crime under the statute, flaunts its defiance in the face of the Government, and denounces every effort to pass effective laws as oppression, and every officer who attempts to see the laws faithfully executed, as an enemy. The sovereignty of the church is supreme in Utah. This constitutes the great crime against government in Utah. In the present

Legislature, during the discussion of an insulting report, unanimously adopted, upon that part of the Governor's message referring to this sovereignty of the church over the United States, the old flag that floats over the Legislative Hall rent itself free and fell from its high and accustomed place. Its folds, crimson with the blush of shame, fell for the right that was being outraged, the dignity of its representative that was being insulted, and Liberty that was being throttled. The people of Iowa, of Missouri, of California, and other States, suffered the hardships of pioneer settlement with the purpose of bettering their condition, of making homes for their families, and with the high resolve of constituting themselves States loyal to the flag of this country, free from allegiance to any prince or power. It is a matter of regret that the polygamous leaders of Utah failed to be inspired in their younger years with this patriotic purpose and high resolve, and chose rather to set up a despotic church-government, which debases manhood, dishonors woman, and brands their children with the mark of illegitimacy.

An officer of high rank in the diplomatic service of the Hawaiian Government told the writer of this article that he had read the correspondence between Brigham Young and his king, a few years ago, in which Young proposed to come with his people, to populate the kingdom, and would promise to keep him safely on his throne, if in return he would guarantee to them the free exercise of their religious belief, unimpaired in any of its rites. The offer was declined with thanks. These people, then as now ignorant of the traffic Young would make of them and their citizenship, are alike ignorant of their relations and duties to this Government, and are kept so by the fallacious arguments of designing men. Within the parallels of latitude in which Utah lies, twenty-one of the thirty-eight States of the Union are embraced in whole or in part. It forms the inter-mountain gate-way of the continent, and yet it is the missing link of the chain of States between the seas. Older in settlement than many of the States, greater in area and population than many, she stands without the door of Liberty's temple, considered unworthy of the companionship of the sisterhood of States within. Congress is asked to enfranchise American citizens, to free this people, to strike the shackles from their too willing but weary limbs, to break the seals that bind the lips of young Utah, to make every well-disposed person secure in happy, law-abiding

homes; in short, only to break the exercise of unlawful political power by law-defying polygamous leaders who, for thirty years, have declined to yield an honest, unequivocal allegiance to the United States. The right of Congress to govern this Territory in its own way is unquestioned, and yet it has turned a deaf ear to the petitions of patriotic people, for years. It has spent millions of dollars denying the demands of justice by technicality, of liberty by timidity, and the demands of humanity by sentimentality, allowing its laws to be trampled upon and its dignity to be insulted, in the vain hope that time would bring the remedy, and that conciliation would prove to be the best policy. But the right first, and then conciliation. Allegiance to the flag and obedience to law, and with that equal and exact justice, followed with the broadest and tenderest humanity. This the country at last demands of Congress, and this the country will have, peaceably if it can, forcibly if it must. The remedy is plain, and within easy reach.

The Territories of the United States are the property of the United States. No vestige of sovereignty attaches to them. Every public officer is but an agent, direct or indirect, of the Government. If these officers fail to execute the laws of Congress, or fail to enact and execute laws in unison with and in support of the laws of Congress, or if the appointing power, within the Territory, persists in naming men to place who do not yield an honest and unreserved allegiance to the Government, simply dispose of the agency, dismiss the unfaithful agents, and name others that will carry on the business of the Territory in accordance with the expressed wish of Congress. Name those who do yield honest allegiance, those who do not question the constitutionality of an act of Congress, who, until it is declared unconstitutional, obey it as patriots always do, and who, when the Supreme Court declares an act constitutional, obey it, defend it, and, if necessary, fight for it. This is the kind of agents the Government should have to attend to its business in every precinct of its Territories.

The bill of Mr. Willets, of Michigan, now before Congress, may be regarded as the effective and, possibly, only peaceable solution of the Mormon question. All others fall short of provisions that may not and cannot be evaded. That bill provides for a legislative council, to be appointed by the President and confirmed by the Senate, that shall write a code of laws for Utah.

Selected with care, as it would be, composed of patriotic, discreet, and honest men, the council would enact such laws as from time to time the emergencies of the situation and the business requirements of the Territory might suggest.

If the capital of the United States was situated in Utah, Congress could and would, as it now does for the District of Columbia, enact the necessary laws. But it would be as well to attempt to pilot a ship across the Atlantic Ocean from a station at Sandy Hook, as to sit in Washington and attempt to give the necessary legislation for Utah. The present legislature of Utah, as always in the past, is composed entirely of Mormons, a great majority of whom are polygamists, and is paid out of the Treasury of the United States. Would it be possible for such a legislature to be allowed for thirty years to assemble in the District of Columbia, pass laws for the government of the city of Washington, and regularly draw their pay from the Treasury?

Is it possible that an endowment house, in which the laws of Congress were persistently violated and civilization shocked, could long remain in Jackson Square, within sight of the White House? Would officers of any like organization, who were also judges and legislators, be long permitted to walk out in full view of the President and the people, and step into the Treasury and receive their quarter's salary? Would violators of the law that condemns polygamy as a crime, be allowed many days to walk out of this endowment house in the broad glare of day, before the eyes of the President, our representatives and the people, with their endowment robes on one arm and a third wife on the other? If not, why should they be permitted to do so before the eyes of the governor and representatives and people of Salt Lake City?

The same ignorance of civil and religious rights exists to-day as formerly. The same insane greed for political power exists, and the same dream of polygamic empire dazzles the leaders of these people. As Joe Smith declared martial law in Nauvoo, and issued illegal writs of *habeas corpus* to shield "fugitives from justice"; as Brigham Young declared martial law and put the Nauvoo Legion under arms to shoot the soldiers of the United States who put their feet on the soil of Utah; so John Taylor, their successor, speaking, two or three Sundays ago, of the proposed measures before Congress relating to Utah, and of the public meetings throughout the land, demanding action by

Congress, made the following speech: "Meetings are being held all over the country, at which all kinds of resolutions are passed about us. Our potatoes, corn, and wheat grow all the same, only they must keep hands off."

And this, too, from the head of an organization that extols crime as a virtue, that appoints to place those who are conspicuous by their law-breaking and law-defying qualities, and whose representative has sat, and who seeks to sit again, in an American Congress. And this is the organization that, after thirty years, must be further conciliated, because they are a peculiar people. In the meantime, children continue to be born into the world with brands upon their foreheads. It is not the body of the Mormon people that are to blame. It is the polygamous leaders, with their designing schemes, fighting for prolonged power. It is the rich, smart Mormon who does not believe in polygamy, and yet supports it, and who continually says to members of Congress and the country, that it is dying out. It is the man who revolts at the purposes and practices of Mormonism, and yet for the balance of trade apologizes for it, compromises with crime, and sees "virtues in this community that others do not possess." What does the writer or the country care as to the belief of those who regard Joe Smith as a prophet? Those who believe so are entitled to their belief. Their right to that belief, the writer and the country would defend, if necessary, but obedience to law is required, and the exercise of temporal power by ecclesiastical authority, in the least degree, will no longer be tolerated.

ELI H. MURRAY.

WHY THEY COME.

"When ye go, ye shall come unto a people secure, and to a large land; for God hath given into your hands a place where there is no want of any thing that is in the earth."—Judges xviii. 10.

THE year 1881 has witnessed the largest emigration to the United States ever known.

The number of immigrants was, in the fiscal years ending:

June 30th, 1879	177,826
" " 1880	457,257
" " 1881	669,354

It is evident that this influx of the laboring element must strengthen the industrial interests of this country, and that the money brought into the United States by immigrants must be, in the aggregate, a very large sum.

In 1880, the emigration from the great divisions of the earth was as follows:

Europe	442,097
Asia	7,098
Africa, Pacific Islands, etc	2,283
America	142,225
	593,703

These persons arrived at thirty-three customs districts, of which we mention the most important only.

New York received	332,495
Huron, Mich. "	133,227
Boston "	40,517
Philadelphia "	27,057
Baltimore "	26,470
San Francisco "	8,068
Detroit "	6,263
Passamaquoddy, Me. received	3,343
New Orleans "	3,091
Buffalo "	2,289
The remaining 23 districts received	10,883
	593,703

Immigration generally follows our periods of business prosperity, as will be seen by the following summary:

The alien arrivals were, in 1836, 76,242; in 1837, 79,340. The financial troubles of the latter year reduced immigration in 1838 to 38,914; renewed confidence is shown in 1839 by the arrival of 68,069; in 1840 the number reached 84,066.

The population of the United States in 1840 was 17,069,453; the number of immigrants that year was, therefore, almost one-half of one per cent. of the population.

In 1845 these arrivals increased to 114,371. The Irish famine in 1846–7, and the general uneasiness in Europe upon the eve of the revolutionary period of 1847–8, sufficiently account for the large accessions of the time, viz.: in 1847, 234,968; 1848, 226,-527; 1849, 297,024; 1850, 310,004.

In 1850, the population was 23,191,876, so that the alien arrivals that year equaled one and three-tenths per cent. of the whole people.

In 1851, the arrivals had increased to 379,466, declining in 1853 to 368,645. In October, 1853, Turkey, followed in March, 1854, by England and France, declared war against Russia. Emigration to the United States in that year attained the remarkably high total of 427,833, doubtless attributable to apprehensions of a general European convulsion.

The rapid diminution which followed may be accounted for by the improved condition of Ireland, consequent upon the enormous emigration from 1846 to 1854, the rush to the Australian gold fields, and the termination of the Russian war in 1856. The arrivals in 1855 were 200,877; in 1856, 200,036. In 1857, the immigrants numbered 246,945. In August, the Ohio Life and Trust Company failed; in October, the New York banks suspended specie payments, and the financial panic spread throughout this country and Europe; terrible losses of life and property by earthquakes, shipwrecks, and the Sepoy rebellion added to the commercial disasters. Emigration was checked at once, for men would rather bear the ills they have, than fly to others that they know not of. Accordingly, in 1858 the new-comers numbered 119,501; in 1859, 118,616; in 1860, 150,237.

The census returns of this year show that the population had increased to 31,443,321; the immigration of that year being nearly half of one per cent.

The outbreak of the War of the Rebellion, in the spring of 1861, naturally retarded immigration, which, in 1861, fell to

89,724; and in 1862 to 89,007. The necessities of the war, and the demand for labor, soon attracted increasing numbers from abroad; amounting in 1863 to 174,524; in 1864, 193,195; 1865, 247,453, and in 1866 to 318,491. The disbandment of the armies and their rapid absorption in the ranks of peaceful industry, was a discouragement to immigration; a falling off in its volume is shown in 1867 by the arrival of only 293,601; followed in 1868 by the smaller number of 289,145. This diminution was only temporary, for the period of inflated values and speculation attracted foreigners in immense numbers. In 1869, the arrivals increased to 385,287; in 1870, they numbered 356,303.

At this time the population was 38,558,371. The immigration of 1870 was, consequently, a little less than one per cent.

The arrivals in 1871 numbered 346,938; in 1872, 437,750; in 1873, 422,545. The great reverses of 1873 were felt in Europe almost as much as in the United States. The effect is apparent in the returns of the succeeding years. In 1874, the immigrants numbered 260,814; in 1875, 191,231; in 1876, 157,440; in 1877, 130,503.

The general belief that "hard pan" had been reached in 1877, and the signs of returning prosperity, led to such a *rapid* increase as the country had never before seen. In 1878 the arrivals were 153,207; in 1879, 250,565; in 1880, 593,713.

In the census year 1880, the population numbered 50,155,783. The immigrants of that year exceeded $1\frac{18}{100}$ per cent. of that number.

Mr. Nimmo, chief of the bureau of statistics, states that the number of immigrants arrived in the year 1881 is 720,045.

The number received at Castle Garden was 441,043. These gave their destination as follows:

New York	152,421
New England	22,146
Pennsylvania and New Jersey	57,925
Southern States, including Missouri and District of Columbia	25,385
North-western States	170,585
Western States and Territories, including Pacific slope	10,603
Other countries	1,978
	441,043

It is not to be supposed that 152,000 immigrants intended to remain in the State of New York longer than necessary to determine their future course. But unquestionably many of the

baser sort do remain in the great cities of this State, and swell the ranks of the vicious classes.

The chief gain from immigration is in the wheat-growing regions, which received more than one-third of the immigrants landed in New York.

Immigration to the South and the South-west has fairly commenced, and the day would seem to be not very distant when the genial climate, abundant forests, diversity of crops, and comparatively cheap lands of that section will attract many more settlers than the bleak, treeless regions of the North-west. The old slave States possess natural advantages that commend them to settlers from Southern and Middle Europe. Some of them have already initiated measures to attract aliens, and the percentage of immigrants going southward is larger than ever before. But these States have not put forth such systematic efforts in this direction as are exhibited by the railroad lines having land-grants to sell in the West.

Mr. H. J. Jackson, superintendent of Castle Garden, says it is difficult to ascertain the amount of money brought by immigrants; those who are well off, being afraid they will be taxed or imposed upon, understate their capital, while those who have little or nothing conceal their poverty, fearing they may be sent back as paupers. Says Mr. Kapp, one of the Commissioners of Emigration, as long ago as 1856: "I observed an old farmer and his three adult sons, who opened their pocket-books, counted the contents of each, and hesitatingly declared them to be about twenty-five dollars." Upon explaining the reason of the interrogatories, the Commissioner found the family possessed about $11,000! Mr. Kapp estimated the money and valuables belonging to immigrants to average one hundred and fifty dollars per head. Mr. Jackson is of the opinion that their *cash capital* will average eighty-five dollars per head.

The railway transportation for such an army is a considerable item. Westward bound emigrant trains constitute a feature well known to travelers. Mr. J. N. Abbott, agent of the Erie line, estimates the value of all emigrant inland tickets, sold in New York in 1881, at five million dollars certainly, and perhaps more.

When the dissatisfied laboring people of Europe decide to emigrate, the United States is naturally the first choice of the immense majority, by reason of its cheap lands, cheap ocean passage, wide territory, and political and religious equality.

The emigration from Great Britain and Ireland to the United States greatly exceeds that to the British colonies, prosperous as they undoubtedly are.

During the existence of slavery, the cash value of an ordinary "field hand," unintelligent and descended from a barbarous ancestry, was five hundred dollars and upward. Each immigrant may safely be valued at double this amount, if we consider the commercial value of hereditary intelligence and the large proportion of skilled and professional men who are comprised in the immigration of each year. Assuming that each immigrant has, in his brain and muscle, a power equal to a capital of $1,000, we gained, in the year 1881 alone, something like $720,000,000, and a cash capital (at $85 per head) of over $61,000,000.

Surely the causes which lead to, or divert from, our shores such a perennial and prolific source of population and wealth are of interest to us and worth our attention.

It is the aim of this paper to exhibit briefly, from official sources, some of the conditions affecting the European working classes, who largely constitute our immigration.

THE GERMAN EMPIRE.—A recent annual report of the Chamber of Commerce, at Minden, Westphalia, contains this striking sentence: "The emigration from this district is lamentably large, and it may be permitted us, as patriots, to put the question: *Has the German empire been founded for the purpose of driving forth its citizens into exile?*"

It seems to be admitted by competent observers in Germany that the agriculturist is now taxed from ten to twelve per cent. of his income.

The burden of military duty, failures of crops, general depression of trade, and "ecclesiastical strifes," together with a desire to live where labor is well paid, proved sufficient to send to the United States 84,638 Germans in the year ending June 30, 1880, and 210,485 in the year ending June 30, 1881. The emigrants in 1881 were declared to be, "without exception, of the best agricultural and industrial classes, taking money with them." On one day early in the year, three steamers sailed from Bremen for the United States carrying four thousand and six of these willing exiles. Imagine the state of things in that city,—which for forty years has been second only to Liverpool as a port of departure for emigrants,—described by the American Con-

sul in April, 1881: "The streets are crowded with these people to such an extent that they cannot find lodging at night; that the police authorities have frequently to care for them, not because they have not money, but that all the lodging-houses are full; they cannot afford to wait here, and they crowd into the Lloyd Company's offices and kneel before and kiss the hands of the managers, praying with streaming eyes to be taken on board."

A report from Aix-la-Chapelle states that, "Besides a knowledge of mechanics, agriculture, or some useful trade, they carry with them an average of seventy dollars each. Thus Germany loses, and America gains, not only two hundred thousand industrious citizens, but also fourteen million dollars put at once into circulation in the United States."

Again, we are told Germany "feels that what was last year a lively emigration will be this year an irresistible exodus. . . . Men who by hard work have acquired a little property are throwing it upon the market at a great sacrifice, in order to secure funds with which to reach the inviting plains beyond the Mississippi. . . . Her weavers and spinners, who have produced at starving wages the woolens which have clothed American citizens, are becoming American citizens themselves, and hope to weave and spin, at living wages, woolens for those they leave behind."

German newspapers say the empire has never before lost such numbers of worthy and industrious people as are (1881) emigrating to the United States, and the loss can scarcely be overestimated.

An inquiry was instituted, and the report submitted to the Reichstag shows that of 106,190 Germans who emigrated in 1880, 103,115 went to the United States and 2,119 to Brazil. The emigrants from Wurtemberg, of whom eighty-eight per cent. were agriculturists, were regarded as exceptionally valuable, and, the local authorities say, took with them an average of one hundred and twelve dollars per head.

From Bavaria and the Thuringian states there is less complaint of a lack of farm laborers, for many factory workmen have taken to agricultural employment, although paid only twenty-five to thirty-seven cents per day, with board. Twelve years ago Germany might have been termed an agricultural country, but she has gradually increased her manufacturing interests and become an importer of breadstuffs.

Reduction of freight on German railways has so cheapened wheat, from the United States, that in 1880, for the first time, the poor found it cheaper to eat bread made of American flour than their own rye bread. Up to 1879, wheat was twenty-five per cent. dearer than rye; in 1880 there was little or no difference in price between them.

By this new competition, German food-producers are kept down to barely living prices: indeed, the peasant owning a farm of less than twenty-eight acres must have other resources in order to exist; hence factory employment is the main support of the peasant farmer. But at what wages! In the corset manufactories, women and children work ten hours per day for six dollars and fifty cents per month, and expert weavers, working eleven and twelve hours, are paid seventeen or eighteen dollars per month.

The great land-owners have been alarmed. Early in 1881, "The Congress of German Agriculturists" declared that American competition in breadstuffs and meats was endangering German production of these staples.

The remedies proposed to the Government are the restriction of such imports, reform in taxation, cheaper and increased freighting facilities, etc. They say: "The fact that German agriculture is threatened with danger from America no longer admits of denial. The only question to be considered is whether Germany shall follow the path of England, let her agriculture go to ruin and her peasantry be driven to emigration, or whether a national German policy shall be adopted, and an effort made to combine" the interests of the German Empire and those of Austro-Hungary. They state that when railways were first extended into the German grain districts, about thirty years ago, those regions afforded a large export of breadstuffs to England. The soil was prolific, and profits were satisfactory. As German soil became impoverished, railways were extended through Hungary; wholesale traders obtained low rates for through grain, and Austro-Hungary became the great supplier of England. The superiority of English farming kept it from being overwhelmed by Continental competition. But America, furnished with technical science, capital, and richness of soil, entered the arena a rival of superior force, and the British farmer has been forced to yield. They add: "By the boundless extension of wheat cultivation in America, a heavy burden will permanently rest on German agricult-

ure; . . . likewise, the cattle herds of North America will gradually conquer the markets of Western Europe, and render its cattle-breeding unprofitable. . . . It is essential to meet the enemy with tried weapons."

The weapons commended to Germany and Austro-Hungary are a tariff to restrain American competition and a commercial union.

AUSTRO-HUNGARY.—This great power of Central Europe, composed of many nationalities, using more than twenty dialects, has contributed increasing quotas of population to the United States.

Bohemia's surplus cereals, before its soil deteriorated, afforded a remunerative trade; and its railway, coal, and iron interests profited by the transportation of Hungarian wheat. But a series of inclement seasons and bad harvests have caused great distress.

The prairie-like levels of Hungary are so productive that there is little probability of American flour being sent into that country, yet a feeling of alarm spread throughout the empire on the circulation of a rumor that the Government of the United States was about to establish six agencies in as many cities of Austro-Hungary for the sale of American grain. The American minister at once denied the report, but the dismay it had created is proof of the dread of American competition.

The following table of the percentage of the imports of wheat into England in 1880, taken from the report of the German Agriculturists' Congress, illustrates the extent of the American supply and the diminutive proportion from Austro-Hungary:

United States	65.4	Australia	7.7
Russia	5.2	India	5.8
Germany and Austro-Hungary	2.9	Other countries	13.0

In Hungary, the suffering among the poor was so extreme, early in 1880, that the Government provided temporary relief by giving employment on public works. In the district of Zemplin, the people assembled in May, 1880, praying that this work might be resumed, and men, women, and children gladly toiled for the pittance of thirteen, nine, and five cents per day; laborers were, in some places, so weakened by destitution as to be unable to lift stones weighing ten pounds.

The emigration from Central and Southern Europe in 1881 was mainly of farmers and laborers. The Jewish element was principally from Silesia.

The removal of so many men and women in the prime of life is becoming a serious matter in some localities. The county of Saros, in Hungary, complained to the Diet that, in the spring of 1880, over 3,000 persons emigrated, of whom 1,007 left their families, and 560 were held to render military service. It is demanded that those who depart shall provide for the return of those who desire to do so "after they shall have been undeceived."

The Austro-Hungarian deficit for 1881 was estimated to be over $24,000,000. The American minister at Vienna, February 8th, 1881, writes: "Propositions for additional taxation are met by a cry from the people that more cannot be borne. In connection with the proposed new land-tax, a deputation of peasants from Upper Austria waited on the Emperor to protest against it; one of them fell on his knees, and, in the most touching manner, implored the Emperor to help them in their great distress."

It is not easy to see how relief can be obtained so long as the present military establishments are kept up; yet a general European disarmament is apparently out of the question.

Should the two German powers succeed in effecting a customs union, the danger of war breaking out would be a constant menace to its perpetuity. Is it any wonder, then, that the overburdened peasants determine not to stand upon the order of their going, but go at once?

GREAT BRITAIN AND IRELAND.—The circumstances of the laboring classes of the United Kingdom are so well known in this country that a detailed account of them would be superfluous.

American cereals undersell British breadstuffs; as a result, thousands of English farm-tenants will be unable to continue their business. In 1879, the area of the grain crop was nearly a million acres less than in 1870; the rent, however, increased considerably, as is shown approximately in the following table:

	1869.	1878.	*Increase.*	*Increase per cent.*
England	$218,554,000	$235,494,000	$16,940,000	7.8
Wales	13,674,000	15,451,000	1,777,000	13.0
Scotland	35,121,000	37,325,000	2,204,000	6.3
Ireland	44,781,000	48,363,000	3,582,000	8.0
	$312,130,000	$336,633,000	$24,503,000	7.9

The agriculturists of Ireland find American competition in English markets destructive, but, when the miserable farming methods of the small tenants are remembered, this is by no means remarkable. Long ago it was officially stated that the number of persons engaged in cultivating a given acreage was five in Ireland against two in Britain, while the produce obtained was as one to four!

The Irish land question cannot be entered upon here, although it has much to do with emigration. According to the Irish Poor-law Commissioner's Report of 1869, £9,000,000 was authorized by Parliament to be expended in the twenty years 1849–69, to assist the poor to emigrate and so lessen poor-rates. The amount actually spent was only £119,280. The American Consul at Dublin states it was contemplated that this "£9,000,000 should come out of the land of Ireland, but the landed proprietors have managed, acting on the warm feelings of the Irish emigrants in America, by their powers of eviction and by the administration of the poor-laws, to shift this burden from the land-owners of Ireland to the Irish laborers in America." He further states that in the same period the Irish in America remitted to their friends in Ireland £13,000,000, of which, he confidently estimates, £9,000,000 was applied to the cost of bringing their friends to this country.

To-day it looks as though the troubles of the Irish land-owners have been much increased by their "shifting the burden" spoken of by the Consul.

A land-law agitation may not be distant in Scotland. A convention, representing forty thousand farmers, met December 2d, 1881, at Aberdeen, demanding lower rents, compensation for improvements, and other alleviative measures. This movement is likely to be aided by similar demands in England.

In the last three fiscal years, the arrivals from the United Kingdom were as follows:

	1879.	1880.	1881.
England	24,183	59,454	65,177
Ireland	20,013	71,603	72,342
Scotland	5,225	12,640	15,168
Wales and islands	546	1,179	1,027
	49,967	144,876	153,714

THE BRITISH DOMINIONS IN NORTH AMERICA.—The arrivals

in the fiscal years 1879, '80, and '81, respectively, show the following suggestive figures: 31,268, 99,706, 125,391.

The impression prevails in Canada that her time has not yet come; that her northern and western districts are yet too remote from the markets of the world, and that thrifty young men will succeed more rapidly in our Western States. Hence, even from Ontario, increasing numbers come, notwithstanding its prosperous condition; and so constant a stream of immigration pours in at Port Huron, Mich., that it ranks next to New York as an inlet for immigrants.

Many aliens, who are not included in the official returns, cross our boundaries; and probably numbers of "assisted emigrants" from the mother country to Canada actually settle in our Western States. The French-Canadians of Quebec continue to flock into New England, where wages are higher and employment is more steady.

As straws show how the wind blows, we note, in 1881, the population of St. John, N. B., numbered 26,128, a decrease of 2,677 in ten years; the exodus from that city to this country being "so large that the butchers and marketmen feel it and complain."

SWEDEN, NORWAY, AND DENMARK.—The number of immigrants from these Scandinavian countries has kept pace with the general movement, and was for (the fiscal years) 1879, 21,820; 1880, 65,657; 1881, 81,582. Official reports state that these nations may be counted upon to contribute 30,000 to 40,000 annually to our population.

The immigrants of 1880–81 are declared to be, in health, vigor, and enterprise, "above the average of the vigorous race to which they belong."

The Mormon immigration comes largely from Sweden and Denmark.

It was estimated in Sweden that the emigrants from that country and Norway, in 1880, carried with them to the United States nearly $6,000,000.

Sweden furnished sixty per cent. of the aggregate of 1880 and 1881. The bulk of her people live upon the land they own and till. During their long winters, the entire family engage in labor—carving, weaving, furniture-making, etc. The wages paid to her agricultural laborers in the five summer months of

1880 ranged from twenty to fifty-four cents per day. It is stated that this class of labor seems slowly appreciating, but in most of the trades wages are nearly stationary, in a few, actually receding.

HOLLAND AND BELGIUM.—From these countries there arrived in the fiscal year 1879, 1,265; 1880, 4,572; and in 1881, 10,373; of which 8,597 were from Holland.

In the Netherlands, the year 1879 was not a prosperous one, nor was 1880 much better. During the severe winter of 1880–81, much damage and suffering were caused by inundations on the coast and overflowing rivers in the interior. One night in December, 1880, over twenty towns and villages were overwhelmed, the receding waters leaving thousands of cubic feet of sand covering some of the best farming lands. The recurrence of such devastations was already discouraging the farming people, before they recently found that American wheat can be sold in Holland fifteen per cent. cheaper, and is twenty per cent. better, than the home product.

Belgium possesses great mineral wealth, improved machinery of all sorts, a population of skilled and frugal workmen, and close proximity to nations of consumers. In consequence of these advantages, she has steadily attracted an immigration exceeding her emigration, and has enjoyed marked prosperity for some years. The Franco-German war gave an impulse to her industries analogous to that imparted to the manufacturing establishments of our Northern States during the Rebellion.

FRANCE.—The French immigration was as follows: In 1879, 4,655; 1880, 4,313; 1881, 5,227—smaller numbers than formerly. French prosperity keeps her people at home.

ITALY.—From this kingdom, emigration to the United States is of recent growth. In the fiscal year 1879, the arrivals were 5,759; in 1880, 12,327; and in 1881, 15,387.

It is common to speak of Italian immigrants as worthless *lazzaroni*, but facts do not warrant it, for Italy sends abroad emigrants as industrious, patient, and saving as any peasantry in Europe; which is proved by the half-million Italians who have settled in the Argentine Republic. Early in 1881, an exhibition was held in the city of Buenos Ayres of articles manufactured

exclusively by Italians in that republic. The variety and excellence of these manufactures astonished all who examined them. The catalogue included pianos, organs, furniture, jewelry, liquors, carriages, agricultural implements, steam engines, boilers, leather, and the thousand things that constitute industrial exhibitions.

American corn has recently entered into competition with that of Naples, with the usual result. One hundred kilograms of the native maize gave one hundred and thirty to one hundred and fifty kilograms of bread; the same quantity of American gave one hundred and seventy to one hundred and ninety.

The silk-worm disease has been disastrous to the poor. During the six years, 1870–75, the production of silk averaged 3,200,000 kilograms per year, which declined, in the following four years, 1876–79, to an average of 1,640,000 kilograms.

Perhaps the most striking feature of the Italian laborer is his appalling poverty. The ancient city of Venice, once the great mart of the world, has now a population of 140,000, of whom 36,000 are paupers! And this in a land rich in its great variety of agricultural and dairy employments, and its extensive production of silk, and among a people devoted to rural life, who cultivate the plains of Lombardy as gardens are cultivated elsewhere.

The Italian peasants flee from enormous taxation as those of Germany do from military service. An official statement declares that, while an average family of Italian laborers earns $130 per year, the tax exacted of them is $15.44! "Carefully prepared statistics, submitted by Senator Pepoli to the Italian Senate, in 1879, show that nineteen and a half per cent. of the income of the Government is derived from such prime necessities as breadstuffs, meat, and salt, and that nearly one-quarter of the revenue was so levied as to be unduly oppressive to the poor." Besides these burdens, there is a tax upon landed property amounting to over $24,000,000, which is virtually an impost upon the agriculture of the country.

Notwithstanding this distressing poverty, King Humbert, on New Year's, 1882, dwelt upon the necessity of completing the military organization. The news dispatch says: "The King's words produced a great impression."

SWITZERLAND.—The immigrants in the fiscal year 1879 were 3,161; 1880, 6,156; 1881, 11,293. The arrivals in 1881 were of

a good class, some of them having considerable sums of money. Skilled workmen are paid less wages in Switzerland than the unskilled receive in the United States. American enterprise has led to the adoption of American machinery in the manufacture of watches, and the export of selected grades to the United States; while French and American competition have taught the silk-spinners that their hold upon the American ribbon-trade depends upon a low price for raw silk, and wages scarcely sufficient to sustain life. The wages paid to silk-weavers for eleven hours' daily work varies from three dollars and fifty cents per week for adults, to one dollar and forty cents per week for children, employment being irregular even at that.

In striking contrast to this, the Swiss consul at Philadelphia writes: "The manufacture of silk has been, during the year 1879, successful. In my district, including New Jersey, there arrived during the year a number of Swiss silk workmen; all the skilled operatives appear to have found well-paid employment. The wages paid in this manufacture are excellent, and if the work continues as favorable as it has been for several years past, all silk workmen who come to this country must considerably improve their condition."

RUSSIAN EMPIRE.—From this vast and troubled empire, the arrivals were as follows: 1879, 4,434; 1880, 4,854; and in 1881, 4,865.

The immigration from Poland, in Russia, is reported separately, and presents a marked increase; the figures are: 1879, 489; 1880, 2,117; 1881, 5,614.

The agricultural classes have suffered so much from bad crops and bad government that "the landed proprietors of the country are almost to a man bankrupt, and the real property of the country is passing into the hands" of the more thrifty Jews.

The "Golos" newspaper, of St. Petersburg, quaintly says:

"Frightful distress is not only knocking at our doors, but has already taken triumphant possession of our homes; . . . its name is the economic condition of Russia. . . . American vessels with grain and tallow are arriving at our ports. We begin to buy what we formerly exported. . . . From all sides comes news . . . of want and hunger from which people will become diseased, and perhaps die; . . . the diminution of cattle surpasses all belief; . . . Russia is wasting its capital in cutting wood, selling cattle,

pulling straw from its thatched roofs, and depriving itself of its very clothes and shoes."

This brief epitome of the condition and prospects of the working classes abroad will suggest the reasons why they come.

An examination of the ages of the immigrants in the fiscal years under notice reveals the following facts

Twenty per cent. are under fifteen years of age, the males slightly preponderating. This youthful portion easily assimilates.

Seventy per cent. are in the reproductive period of life, between fifteen and forty years of age, forty-six per cent. being males, and twenty-four females.

Ten per cent., only, exceed forty years; in the ratio of six males to four females. Not more than ten per cent. come with habits rigidly formed, or political or social ideas permanently fixed; while probably less than five per cent. of the entire accession have passed the period in which population is recruited.

The comparative youthfulness of those who seek asylum here seems to have been overlooked. It explains the rapid increase of our population, and the exceedingly rapid process of their assimilation. Were it in our power to choose the ages best adapted to our needs in respect to labor, growth of population, and social and political life, would a better selection be possible than that already provided by this promiscuous addition?

If the immigrants comprised old and young in the natural proportion, as found in settled communities, the gain to the United States, and corresponding loss to Europe, would be much less. After Ireland's losses by famine and emigration, the birth-rate became one in forty, against one in twenty-eight in England.

Aside from certain unruly elements in a few cities, and the reënforcement of the Mormons, little or no complaint can be justly made of the multitudes who come.

Immigrants constitute a much larger percentage of the population in the North-west than in the old States, yet public order and general integrity are no less assured there than on the Atlantic sea-board.

The population in 1880 was 50,155,783, about thirteen per cent. (6,679,943) being foreign born. The distribution of persons of foreign birth to every 100,000 natives is shown by the census, as follows:

Nevada	70,016	Connecticut	26,336	Indiana	7,386
Arizona	65,613	Colorado	25,686	Texas	7,748
Dakota	62,112	New Jersey	24,366	Delaware	6,905
Minnesota	52,172	Illinois	23,389	Louisiana	6,111
California	51,167	Oregon	21,091	Florida	3,773
Wisconsin	44,548	Iowa	19,183	Kentucky	3,742
Idaho	44,112	Pennsylvania	15,900	West Virginia	3,037
Utah	43,943	New Hampshire	15,292	Arkansas	1,299
Montana	41,658	Ohio	14,080	Tennessee	1,087
Wyoming	39,115	Vermont	14,054	Virginia	979
Rhode Island	36,491	Kansas	12,378	Mississippi	817
Massachusetts	33,069	Missouri	10,791	South Carolina	773
New York	31,284	Dis. of Columbia	10,662	Alabama	772
Michigan	31,118	Maine	9,977	Georgia	675
Nebraska	27,430	Maryland	9,701	North Carolina	263
Washington Ter.	26,766	New Mexico	9,154		

The population in 1790 was 3,929,827. If the increase had been confined to the excess of births over deaths, the population in 1880 would not have been 15,000,000. Without immigration, the country would not have had 50,000,000 people for a hundred years to come (if we take the reported increase of 1850 as a criterion). Whence it appears that the population and consequent expansion of the settled area, the development of agriculture, manufactures, mining, and railways, as well as of domestic and foreign trade, have been anticipated more than three-quarters of a century by the quiet influx of Europeans.

Up to June 30th, 1880, 215,586 Chinese arrived, but the census-takers found only 105,717 Asiatics, showing that half the Chinese return to China.

European governments no longer send infirm paupers or criminals here, but local authorities occasionally do. When persons of this character are discovered, they are promptly sent back.

A large portion of the immigrants are from places, and addicted to habits, favorable to the propagation of disease. Tarrying for days in cheap lodging-houses at the ports of departure, they and their baggage are exposed to infection. Thence they go to the ship's steerage, swarming with an untidy crowd gathered under like conditions, and often supervised by a ship's doctor of little skill. Happily, short passages and improved accommodations have greatly lessened the liability to ship-fever and cholera. Incipient small-pox, however, often evades detection at Quarantine, as its incubative period is longer than the average voyage from Europe. Hence, infected persons sometimes pro-

ceed inland, where the disease develops and spreads. Their baggage also may disseminate the germs.

In 1880, fourteen steamers with small-pox on board arrived at the port of New York; in 1881 the number increased to forty. Dr. Wm. M. Smith, Health Officer of the port, insisted that sanitary work should be preventive, and that all unprotected emigrants should be vaccinated within twenty-four hours after embarking. The steam-ship companies adopted his suggestion, and an improvement has already taken place in the health of the steerage.

Congress, in 1879, created a National Board of Health, "to prevent the importation of contagious or infectious diseases."

In June, 1881, at a conference of State boards of health, it was conclusively shown that immigrants from European ports had introduced small-pox into several Western States. At the request of the State boards, the National Board adopted certain rules and regulations applicable to ships, passengers, crews, and cargoes; which were approved by President Arthur, November 14th, 1881. These rules now have the force of law, and are designed to exclude cholera, yellow fever, plague, small-pox, typhus, and relapsing fever.

Dr. Elisha Harris, of the New York State Board of Health, informs us that, immigrants having been found in the trains suffering from small-pox, the authorities of Buffalo, encouraged by the State Board, instituted, in June last, systematic inspection of all immigrant trains as they approached that city; which was continued until vaccination was required on shipboard. The results were so significant that an enlarged plan was submitted to the National Board. The Doctor observes: "The National Board has already engaged to maintain the cost of a competent inspector of immigrant trains that cross into Michigan at Port Huron, and the two proposed stations in the State of New York (Buffalo and Elmira) will, it is believed, become the most important that can be established, excepting one that ought to be established at or beyond Harrisburg, Pa."

These defensive measures are far less effective, however, than "the perfect vaccination which must become a *prerequisite*" to emigration to this country. "The gross neglect of vaccination in many parts of Europe, and the culpable carelessness of vaccinators and dealers in virus," will still render necessary all that can be done by the State and national boards.

The steadiness of the influx of emigrants to New York led to

the organization of a class of harpies known as "emigrant runners." These men inveigled ignorant foreigners to low boarding-houses kept by swindlers, where their foreign coin was exchanged at fraudulent rates, and sometimes paid for with counterfeit money. In these dens "bogus" railway tickets were sold, and every device of ingenious rascality employed for the plundering of these people. The indignation of the community was aroused, and, in 1847, found expression in the creation, by law, of the "Board of Commissioners of Emigration of the State of New York." This Board has, ever since, received and cared for all immigrants at this port, exchanging their money, securing them favorable railway rates, and conveying them to the trains. Guarding them from deception, caring for the sick, they, in many ways, befriend immigrants; while they send back criminals and paupers. The expenses of the Board were defrayed by a State tax of from two dollars and fifty cents to one dollar per passenger, known as "head money," collected from the ship-owners, and presumably included in the passage money.

In March, 1876, the United States Supreme Court pronounced the "head-money" law unconstitutional. Justice Miller decided that "this whole subject has been confided to Congress by the Constitution; that Congress can more appropriately and with more acceptance exercise it than any other body known to our law, State or national." Being so instructed by the Legislature, the commissioners have applied to Congress for appropriate legislation at every session since that decision; and bills have been submitted, but never acted upon. Therefore, in May, 1881, the Legislature passed laws providing for the inspection of immigrants, the taxing of ship-owners one dollar for each alien landed, and directing that all surplus money be paid into the United States Treasury; doubtless supposing this would be constitutional. The United States Circuit Court, Judge Blatchford (February 10, 1882), decided this legislation to be "a direct interference with the exclusive power of Congress to regulate commerce with foreign nations." Consequently, the whole expense of this important work, amounting, from March, 1876, to May, 1882, to over $1,000,000, must now fall upon this State alone; while there is at least a possibility that a portion of the "head money" previously collected will have to be returned.

As a general rule, the most valuable immigrants go West; while the sickly, the unenterprising, the vicious, and also those

whose funds are exhausted, remain in New York. We consider it a fair estimate, that of the whole immigration to the United States not over one-tenth of those who bring a moderate capital remain in New York, while probably three-quarters of the impecunious and worthless take up their abode in this State. Is it to be expected, then, that the people of the State of New York will go on taxing themselves for the privilege of benevolently forwarding the better classes to the West, and retaining the inferior? Will they furnish all the money for a mere modicum of the benefit? A certain class of unscrupulous politicians in New York would be only too glad of the abolition of the Castle Garden system, as furthering their own interests, and if the cry for economy should be raised, they would endeavor on that plea to obtain the repeal of all State legislation involving taxation for the protection of immigrants. If, by any means, this protective system should be done away with, the immigrants would be again remanded to the tender mercies of the "emigrant runners" and their "brethren in politics." After passing through such hands, comparatively few will have money left to carry with them to the West.

National and State interests are now protected by the Board of Commissioners. The nation gets the benefit, but the State pays for it. The State cannot tax ship-owners, and should not tax her citizens for this purpose; but Congress can and should provide the means for maintaining the efficiency of this work, with its adjuncts of police, almshouses, and hospitals, preëminently the subject of State control. In the present state of affairs, therefore, is not a combination or coöperation of national and State authority needed for the support of a system that shall be advantageous to the nation, and not, at the same time, be a burden to the State of New York? It seems to us that an act of Congress authorizing the Secretary of the Treasury to adopt a plan to be executed by, or in connection with, State boards of immigration, under the supervision of his department, might be so drawn as to meet the difficulties.

The only other point where immigrants arrive in numbers sufficient to call for remark in this article, already so extended, is Port Huron. There such work as that at Castle Garden is not needed; because the immigrants, having already passed the dangers and elimination of a port of disembarkation, are simply crossing the border on their way to their destination.

The conditions and motives which impelled the great influx of 1881 are as powerful now as they were twelve or twenty months ago; indeed the coming influx may be greater, for popular movements grow by accretion and are not quickly restrained by reasoning. This movement has been caused by deficient crops, old uneconomical methods, grinding poverty, overtaxation, military burdens, and social discontent; while, through all and over all, there rises that dreaded shade, American Competition; no longer a shade, but a tangible power, young, vigorous, growing. Has this new factor in the perplexities of Europe been offset by any advantageous changes? Has the price of labor advanced? Have taxes been reduced? Have new markets been opened to European producers, or have they adopted better methods? Have the events of the last few years really established a reign of "peace with honor"?

On the contrary, armies are being strengthened, fortifications improved, navies made more formidable. Von Moltke's famous remark, "Germany for the next fifty years must make constant exertions to consolidate her power and maintain her recent acquisitions," stands, a warning to European governments and people alike.

We infer, then, that the burden of taxation cannot be greatly lessened; that wages cannot be much increased; that the social and political condition of the lower classes, with some few exceptions, cannot be considerably improved; and, therefore, that they will seek abroad what they cannot get at home.

As to the effect upon immigration of the present confusion in Ireland, we have as yet nothing decisive.

The immigration from Great Britain and British America will probably continue to increase.

If none of the Government restrictions already threatened upon the Continent are imposed, or should they fail of effect, larger numbers may be expected from Germany, Austria, Hungary, Poland, Italy, Switzerland, Holland, Sweden, Norway, and Denmark.

In ninety years, a feeble people of 3,900,000, occupying the country adjacent to the sea, has been transformed into one of the greatest nations of the world, having a population of 50,000,000, spanning a continent, and possessing untold wealth and boundless resources.

While its cosmopolitan character in the future is assured, the

peaceful blending of many nationalities has resulted in the "survival of the fittest." As the English displaced the Indians and absorbed the Hollanders and Swedes in colonial days, so their descendants, throughout these broad domains, receive and amalgamate all peoples, languages, and tongues. All who settle here become Americanized; no other result is possible henceforth; they become part of the most numerous English-speaking nation on the earth.

While we receive such material benefits from immigration, we should consider how we may prevent or overcome what is evil; for the evil is incidental rather than inherent. Whether we like or dislike its tendencies, we must admit that the national importance of immigration has been and is so great that it "can scarcely be overestimated."

EDWARD SELF.

ANTI-VACCINISM.

Two charges are made by anti-vaccinators which include all their utterances worthy of a moment's consideration: (1) That vaccination does not protect from small-pox; (2) that the operation of vaccination is the means of introducing into the human system a large number of diseases and diseased conditions and predispositions, almost, if, indeed, not quite all known to pathology, and some known to no pathology but that of anti-vaccinism. If these two charges can be proved utterly false,—and nothing is easier to any candid, impartial, competent, *bona fide* seeker for truth,—no rational person can pretend for a moment that there is any ground for anti-vaccinism, whatever there may be for reform and improvement in the practice of vaccination.

To meet the first charge, it is evident that statistics of the mortality from small-pox in vaccinated and unvaccinated populations, of epidemics of small-pox before and since vaccination, and of the well, imperfectly, and not at all vaccinated in masses of population, in armies, and particularly in hospitals for the treatment of small-pox, must afford conclusive evidence. Such statistics exist to an amount practically inexhaustible, and are recorded with the greatest possible care, honesty, and accuracy in reports of the proper officials of every civilized government, of boards of health, and, above all, of small-pox hospitals. They all invariably and perfectly sustain the doctrine that a simple "good vaccination" in the earliest infancy, even when made with virus of moderately long humanization, though it may, and does frequently, fail to prevent small-pox after adult age, wonderfully modifies the total adult severity, and reduces the total adult mortality and disfigurement from the disease. These statistics also perfectly agree in proving that effectual re-vaccination or even primary vaccination in adult life protects so completely that cases of small-pox, after either, when

done with virus not too far removed from the cow, are as rare as second attacks of small-pox, while no case of small-pox after either primary or effective secondary vaccination in adult life with *true* animal virus, has yet been reported. It is fully believed by those by far the most competent to judge, that small-pox after perfect primary vaccination, followed by effective re-vaccination after the tenth year, with *true* animal virus, will prove to be as rare as third attacks of small-pox, of which perhaps a score are recorded in the whole history of medicine. This belief is based on observation of the typical perfection of the *vaccinia* induced by true animal vaccination, and its entire freedom from those irregular and unprotective developments, the tendency to produce which is one of the serious and frequent defects of virus of very long humanization. I cannot spare enough of my brief space to give even a few items of the statistics to which I have alluded, and which are easily accessible in almost innumerable publications. To those who have any doubt, I commend a careful perusal of Ernest Hart's "Truth about Vaccination," the venerable Dr. W. B. Carpenter's tract with a similar title, Dr. W. M. Welch's admirable "Report of the Municipal Hospital of Philadelphia for 1872," Dr. Robert Grieve's "Influence of Vaccination," Mr. W. T. Iliff's "Small-pox and Vaccination," and the statistics of small-pox in both armies in the Franco-Prussian war. The list might be extended indefinitely. I will give but one illustration, suggested by recent reading. In 1721 the population of Boston was 11,000. In the same year there were in Boston 5,759 cases of small-pox; mortality, 844. Over half the population had the disease, and one-thirteenth died.

In 1872–3, an epidemic the most malignant and destructive in living memory occurred in the same city. Its average mortality among the entirely unvaccinated was considerably over fifty per cent. The population was about 265,000. The number of cases during the thirteen months, January 1, 1872, to February 1, 1873, was 3,187; the deaths, 1,045. A very peculiar condition of things existed, the causes of which I have not space to explain. There were, practically, no means of isolation. In no way had the people of the Boston of 1872 any advantage against small-pox over their ancestors of 1721, except that yielded by vaccination, and even that most tardily afforded. But how immense that advantage! Without vaccination, the

epidemic of 1872–3 in Boston would have been terrific in its destructiveness. Let it be remembered that the disease, in the most malignant and contagious form, was present in every part of the city; that small-pox is a disease to which, with hardly an exception, every unprotected person is liable on exposure to its contagion. Were it not for vaccination, there would have been in these thirteen months at least 150,000 cases in Boston, and little less than 25,000 deaths, even if the epidemic had been no more contagious and fatal than that of 1721. It must be remembered, however, that it was very much more malignant and contagious, and that the rate of mortality among the quite unvaccinated was much more than three times as great. What was true of Boston in 1872–3 was true of every city and large town of Europe and America during that dread visitation. None but the grossly ignorant will sneer at these assertions, for a very superficial study of the history of small-pox before the eighteenth century will afford the authentic narrative of variolous epidemics far more destructive than my hasty approximative estimate. There is hardly a year in which, among some of the barbarous and quite unvaccinated populations which Mr. Bergh considers so enviable in their immunity from the twin scourges of humanity, physic and physicians, small-pox does not rage and destroy with far greater destructiveness. I have said that nothing can possibly be more conclusive than the statistics in favor of vaccination, even as practiced before the wide adoption of the great reform to which I have already alluded. Even the anti-vaccinist must admit this, if they are accepted as honestly and truly recorded. If, after studying a few of these statistics carefully, any doubt remains in the mind of the student, let him obtain, by application to Mr. William Young, London, the anti-vaccine answer and refutal of what he has read, for, each and all, anti-vaccinism has essayed to answer and refute. If he carefully analyzes these answers and still has any leaning to anti-vaccinism, his case is indeed hopeless. Nothing can be more contemptibly and transparently dishonest and sophistical, well calculated, indeed, to convince poor, illiterate, credulous people by appealing to their prejudices and to the always present jealousy, suspicion, and even hatred which the poor entertain against the wealthy, the ignorant against those who are better informed, but laughably inadequate to satisfy any rational, educated, and unprejudiced person save

of the truth of the doctrines of vaccination. How do the anti-vaccinists pretend to answer these thoroughly convincing statistics? One great and leading trick is to show that, in a certain epidemic, more of the vaccinated than of the unvaccinated died, utterly ignoring the accompanying fact that perhaps ninety-five per cent. of the population had been nominally vaccinated. Another is, to state the entire mortality of some epidemic before vaccination in which it was very small, say fifteen or even ten per cent., and compare it with that in the same city since vaccination, largely increased in population, during an epidemic of terrible contagiousness, malignancy, and consequent fatality. Another still, to take the mortality of all (vaccinated and unvaccinated) in some terrible epidemic like that of 1869–74, and compare it with that of some exceptionally mild epidemic before 1798, when, of course, all were unvaccinated.

When these and many other precisely similar and quite as dishonest trumpery subterfuges are, even to their contrivers, most evidently insufficient, comes the inevitable *dernier ressort*, the *ultima ratio stultorum*, to deny the truth and good faith of the statistics themselves. Every old wife's tale, every rascally charlatan's slanderous lie, every idiot's exaggeration, is repeated and accepted as "confirmation strong as Holy Writ"; but the most authentic, elaborate, consistent, scrupulously exact statistics of great armies, Government bureaus, composed of the assembled returns from a thousand sworn officials, or of great public hospitals, open to daily, hourly inspection and criticism, are "doctored" statistics, "cooked" statistics—in other words falsehoods, and masses of falsehood, the work of a conspiracy of thousands of the noblest, most self-sacrificing, truthful men in existence. A conspiracy so well organized, that from every hospital, from every civilized government, are published statistics of precisely the same character, thoroughly corroborative of the inestimable value of vaccination. A conspiracy for what? To retain a little longer the loaves and fishes, the paltry income which accrues to a part of the medical profession from the practice of vaccination,—an income so small, so precarious, so insignificant compared with the labor it involves, that all physicians of any eminence, who are not actuated by a sense of duty, notoriously avoid and refuse the practice that wins it! The men who utter these villainous, wicked absurdities are not all so

utterly ignorant as Mr. Bergh. Some of them know better. They have studied the history of small-pox and vaccination, and are well aware that when the profession of medicine, almost to a man, adopted inoculation, the adoption involved the loss of that practice in small-pox which was by far the most lucrative source of professional income. They know, too, that when the same profession adopted vaccination, its doing so meant the abandonment of a far more profitable practice. Before either inoculation or vaccination were introduced, small-pox was as common among the wealthy and noble, as fatal to royalty itself, as it is now in those back slums of London, in which are the citadels and strongholds of squalor, vice, ignorance, and anti-vaccinism. The greatest income ever earned by a physician before the present century was that of the famous Dr. Ratcliffe, and was mainly, if not entirely, due to his reputed great skill and success in treating small-pox. Every city and large town in England then had physicians famed for their peculiar skill in treating that dreaded disease, and winning fame and fortune from the reputation. If a single physician in the mighty metropolis of the world, with its teeming millions, were now to confine himself to the treatment of small-pox, that specialty which once, when that city held not one-third of its present vast population, enriched scores of his profession, he would starve. It would be rarely that he would have a paying patient, for small-pox is practically unknown among the most civilized, enlightened, and, of course, best vaccinated classes, and, for the occasion, I will include with them the leaders of anti-vaccination, who are, almost to a man or woman, very thoroughly vaccinated.

All the sophistry of anti-vaccinators, all the shallow, baseless theories evolved from the inner consciousness of visionary pretenders to science among them, are utterly and absurdly inadequate to meet the one simple fact, patent to all, requiring no laborious research to ascertain, that precisely as they are well vaccinated are people exempt from danger of small-pox, while those who are the best vaccinated as a class, doctors and nurses, may be said to enjoy perfect immunity even during epidemics so intensely malignant and contagious as to attack all the unvaccinated, and many of the imperfectly or improperly vaccinated, exposed to their contagion. The favorite anti-vaccine theory is that small-pox is merely a result of bad drainage and neglect of

ordinary sanitary precaution, and that the immunity of the better classes is mainly due to improvements in plumbing, utterly ignoring the fact that long within the periods of written history small-pox was unknown in Europe and America, although all the conditions and causes which the sages of anti-vaccinism assure us are alone necessary and competent to the creation of the disease *de novo* existed to a far greater degree than now. Few things of the sort could be more amusing than an enumeration and analysis of the small-pox anti-vaccine theories of Spinzig, Both, Nightingale, and the rest; but I must forbear, with the simple statement that every anti-vaccine attempt to invalidate this entirely magistral and conclusive fact in favor of vaccination involves the denial of the contagiousness of small-pox—a denial as self-evidently absurd as would be that of the law of gravitation.

In regard to the second charge, let me say, at once, that it has been long alleged that syphilis was liable to be, and had been, transmitted by the operation of vaccination with humanized virus. The reports, however, were not made with such exactness, or by such authority, as commanded credence; and the accident has been of such prodigious rarity in all countries in which vaccination is properly done, that it was not till very recently, and by a most distinguished surgeon, pathologist, and ardent *advocate of vaccination*,—Mr. Jonathan Hutchinson, of London,—that a demonstration of the sad truth was at last made, which commands the implicit belief of even those most desirous not to be convinced. It is also a fact that a form of erysipelas, almost always slight, but always annoying and sometimes fatal, has been observed about once in five hundred vaccinations as generally done, and occasionally even after the most careful performance of the operation with the best humanized virus. These two sometimes inevitable results of even careful vaccination with humanized virus, can be perfectly avoided by the use of that obtained by exclusively bovine transmission of original cow-pox, such as at this time is, or has very recently been, employed to the amount of probably at least one hundred thousand vaccinations daily, in the tardy but very successful effort to control and arrest a most threatening and wide-spread epidemic in America. In the use of such virus, the first terrible accident is impossible, and, quite contrary to my first apprehensions, erysipelas has never been reported,—the few, very few cases, which deceived not very competent observers having been

invariably of simple erythema, a trivial affection due to friction of the vaccinated surface from unduly active work or exercise.

These two are the only diseases of which it could be truly said that, in certain instances, they would not have occurred but for vaccination. There remain, however, a considerable number of diseased conditions liable to complicate and follow vaccination. Some of these are the result of the effect of the slight constitutional disturbance incident to *vaccinia* bringing to the surface and making evident an eruption of disease already latent in the system sooner than would otherwise be the case, but the remainder, without exception, have no real relation with vaccination whatever, being the direct consequences of filthy habits of life, gross neglect of ordinary care, very morbid condition of patient, and, above all, and in the most severe cases, malpractice, gross and often even incredible, of physicians; in improper methods, and in use of virus taken from improper subjects, at too late a period of the disease, or in a state of decomposition. Besides these, there have been a few very severe and even fatal cases in which, as a result of accident, reckless imprudence, or drunkenness, the vaccinated arm had, when the eruption was "at its height," been exposed to intense and continued cold. It must be evident to the reader that any discussion of these unpleasant complications of what is, at any rate *nominally*, vaccination must necessarily be technical and, to be instructive, of considerable length. In either case it would be out of place in the REVIEW. I will, therefore, simply state that none of them have any but an accidental relation to vaccination. As long, however, as every disease except small-pox is as likely to occur after vaccination as before, so long will innumerable diseases be attributed to its influence by the ignorant. It is most unfortunate that a body of pretended philanthropists who ought to know better, many of whom do know better, yet see fit to approve the inevitable *post hoc, propter hoc* reasoning of the common people, and so encourage, not only antagonism to vaccination, but antipathy, even hatred, toward the members of that profession to whom the poor have so often to look, and never in vain, for relief and remedy in their direst misery and need. The misrepresentation of anti-vaccinism, whether willful or the result of ignorance, extends to every detail connected with vaccination. For instance, a recent prominent authority calls vaccine virus a "disgusting mucus." A still more scientific *confrère* considers it an equally disgusting

"pus," while many others of the same school are sure that it is nothing but a septic product, in other words, an animal substance in a state of putrefactive decomposition. Now, vaccine virus is a perfectly limpid, nearly colorless, and quite odorless slightly albuminous fluid, having no relation or analogy whatever with the well-known organic secretions of which Mr. Bergh and Dr. Both speak so disrespectfully, and so far from being septic that the moment it becomes slightly so, as a result of decomposition, it ceases to be vaccine virus, or to be capable of inducing *vaccinia*. I notice this trifling matter because it gives an excellent idea of the utterly loose, reckless way in which these people pronounce *dicta* on purely scientific subjects.

As a commentary on the wild ravings of De Lisle, Nittinger, Schiefferdecker, Bergh, and the more rabid anti-vaccinators on the deteriorating effect of vaccination on the human race, it may be worth while to state that since I introduced true animal vaccination in America, in September, 1870, there have been probably at least five thousand animals vaccinated. In vaccinating each, it is my custom to induce from sixty to one hundred, or even more, vesicles. When the disease is at its acme, a very slight elevation of temperature is noticeable, but the animal feeds well, and, at the worst, exhibits extremely trifling symptoms of discomfort for a day or two. At the end of sixteen or eighteen days, no trace of the disease remains but some slight superficial cicatrices. These animals are then sold to farmers, not butchers. They are not of the right age for the latter. Formerly, farmers were suspicious of the effect of vaccination on the value of the animals, and I had practically to give them away to whoever would take them. For several years, however, this is changed. We find plenty of farmers to buy our heifers when we have done with them, and so far from being prejudiced against them, many farmers prefer vaccinated animals to others, and state, with confidence, that they are less liable to sickness, and especially to cutaneous disease, and fatten remarkably well. This may be an erroneous opinion, but its expression makes it very evident that a proverbially shrewd and careful class of men have come to a very different conclusion from Mr. Bergh, as to the deteriorating effect of vaccination.

I may, perhaps, in conclusion, be permitted to give my own experience touching the two main and essential charges against

vaccination. It is now very nearly forty years since I began the study of medicine. With the exception of from two to three years' service as United States staff surgeon, and two brief absences in Europe, all these years have been of active practice in Boston, and in the southern portion of that city. During my entire professional life, I have paid very unusual attention to the study of vaccination, and have had, both in civil and military life, very great and continued opportunity to pursue the study. In the army I had, as surgeon in charge of hospitals and medical director, extraordinary facilities for the observation of the protective effect of vaccination in large bodies of troops, and in three large towns, and rapidly accomplished in each of the latter the "stamping out" of an epidemic which had raged with increasing extent and mortality for over a year. I had almost continuously under my direction, large, sometimes very large, numbers of cases of small-pox. In civil life I have devoted quite exceptional attention to the practice of vaccination, having in one year made nearly eleven thousand vaccinations. For nearly twenty-five years, in the total absence of all State or Governmental provision to that end, I have made a specialty of propagating and issuing to the profession the best attainable vaccine virus.

In pursuance of this enterprise, about twelve years since, I introduced into America the method of true animal vaccination, and for nearly nine years I have practiced that method exclusively. This specialty necessitated a vast number of vaccinations of infants, and a daily, hourly attendance on these during their whole course. It also placed me in direct correspondence with probably not far from half the medical profession of this country; certainly, during the entire period, an aggregate of twenty-five thousand physicians of all schools in America and elsewhere. Thousands of the infants that I vaccinated have grown to adult, to middle age, and many have, of course, terminated their earthly career. I have always considered vaccination by far the most important single duty of a physician, and have taken the utmost care that no neglect of mine should be the cause of any defect or irregularity in its accomplishment. I have tried to do my duty, but certainly no better than any physician can easily do it.

It is the great and all-sufficient consolation of my life that not only with my own hand have I shielded a great many people

from disease and death, but that I have also been the agent to afford to others the means of similarly protecting an almost incalculable multitude, and I have the perfect happiness of having been the introducer into America and a principal means of firmly establishing here a reform in vaccination, a reform which takes from anti-vaccinism its only weapon that had either point or edge. As a result of all this exceptional opportunity to form a deliberate and accurate opinion of vaccination, I wish to say, with as much solemn earnestness as if it were my last earthly utterance, that I have never known among those whom I have vaccinated a single case of small-pox in any form or modification, except a certain limited number into whose systems the germ of the disease had entered before the time of vaccination, making itself evident within fourteen days after the operation. I have never seen or suspected in my own practice one such case as Mr. Bergh asserts to exist by millions. I have never had a patient die in any way that could be, directly or indirectly, ascribed to vaccination. I have never had the slightest reason to even suspect, in a single instance, that vaccination had in any way impaired or deteriorated human vitality, but have seen several cases in which, besides preventing small-pox, it was the means of carrying off certain trivial ailments, and of very decidedly improving the general health of the patient. I am very sure that my experience is precisely similar to that of almost every physician who has given to vaccination the solicitous care that it merits and demands, and has omitted no part of his duty as a vaccinator.

I have seen as many of the cases which anti-vaccinism attributes to vaccination as most physicians, but not one of these could be fairly so attributed. I have never seen a case of vaccinal syphilis, although from my reading I am convinced that such cases have occurred. I have seen many cases of vaccinal erysipelas in my own practice, but all recovered, and not a single case has complicated or followed one of the almost countless vaccinations which I have made with true animal vaccine virus.

How is it, my eyes being tolerably wide open and having observed the course and result, immediate and remote, of tens of thousands of vaccinations, primary as well as secondary, that I have seen nothing in all these years, while Mr. Bergh, whose eyes are only just opening to the horrors of vaccination, and who is

certainly not very well educated to appreciate and weigh the value of symptoms; who has probably not observed the course and results of ten vaccinations, if he has of one; whose study, even of the literature of anti-vaccination, is apparently limited to the fifteen-page pamphlet of a wildly visionary theorist and a four-page London libel on myself, of which both his letter to Professor Chandler and his paper in the February NORTH AMERICAN are little more than reprints without acknowledgment, —has seen so much?

I have heard of a school that is not

> "Any school,
> But that where blind and naked ignorance
> Delivers brawling judgments unashamed
> On all things all day long."

Is Mr. Bergh, perhaps, one of its recent graduates?

HENRY AUSTIN MARTIN.

THE CIVIL SERVICE REFORM CONTROVERSY.

BENTHAM was the first man in England to attack existing institutions for their failure to promote the public welfare, either to the utmost attainable extent, or to any extent at all. He was, in fact, the first laborer in the field which Burke opened to the public gaze, and he lived long enough to hear, and study, and analyze the arguments by which, in the period between the French Revolution and the passage of the Reform Bill, the Conservatives sought to avert the changes for which the Radicals had, already in Burke's day, begun to clamor. This really wonderful man's description of the way the conservative mind plays on political problems is, of course, to be found scattered all through his voluminous works; but he condensed it in the most curious and in many respects the most acute of his politico-legal disquisitions, "The Book of Fallacies." This reads somewhat like a series of exercises in logic for young students, but the materials for his examples are furnished by the various defenses of English abuses with which, in Tory mouths, he himself had had to contend. I refer to it mainly to prepare for the quotation of a passage in which, after showing that, when conservatives consent to oppose change by argument instead of force, and acknowledge that the public is the supreme judge of what makes for its own welfare, they inevitably and almost naturally resort to fallacy to protect what they hold dear, he declares his belief that the demand for conservative fallacies cannot be so great in the United States as in England. He says:

"In crossing the water, fortune gave British America the relief which policy gave the fox: of the vermin by which she had been tormented a part were left behind—no deaf auditors of the exchequer; no blind surveyors of melting irons; no non-registering registrars of the admiralty court, or of any other judicatory; no tellers by whom no money is told, except what is put into their own pockets; no judge acting as clerk

under himself; no judge pocketing seven thousand pounds for useless work for which men are forced to address his clerk; no judge who, in the character of judge over himself, sits in one place to protect by storms of fallacy and fury the extortions and oppressions habitually committed in another; no tithe-gatherers exacting immense retributions for minute and never rendered service. With respect to the whole class of fallacies built upon authority —precedent, wisdom of ancestors, deeds of ministers, immutable laws, and many others occasioned by ancient ignorance and ancient abuses—to what readers soever there may be by whom what is to be found under these several heads has been perused, it will readily occur that in the American Congress the use made of these fallacies is not likely to be so copious as in that august assembly which, as the only denomination it can with propriety be called by, has been pleased to give itself that of the Imperial Parliament of Great Britain and Ireland." *

This passage is remarkable, because it shows that Bentham, with all his acuteness, was unable to protect himself against two delusions, to which nearly all ardent reformers are exposed. One is the belief that the particular abuses in which he was most interested were the only ones which a nation needed to fear; the other is that, when abuses do not exist, none are likely to grow up. He apparently forgot that political society is very like a fertile soil, which produces excellent wheat, but if let alone by the husbandman will produce weeds in still greater abundance. Purity, no less than liberty, has to be maintained by eternal vigilance. The abuses against which Bentham fought in England, and a large number of which he lived to see extirpated by the aid of arguments which he had furnished, were the growth of ages, but they did not need ages to grow in. All that is needed anywhere, at any time, for the production of an abuse is that it be profitable to a class, and that public attention be diverted from it for even a short period. A political abuse is the conversion of power, or office, or money to the profit and gratification of a small minority to the detriment of the majority; and in every community there exists a minority constantly striving for this conversion, and ready to take advantage of any conditions that are favorable to it.

Here the minority has always existed, as well as in Europe. It has had more difficulties to contend with than in Europe, but these difficulties have not proved insurmountable, and the concentration of the public mind for half a century on the anti-slavery struggle furnished the opportunity which Bentham did

* Works, Vol. II., pp. 482–3.

not foresee. The minority, fifty years ago, seized on the public service, which was then far purer and more efficient than that of Great Britain, and out of it constructed an abuse precisely similar to those which he spent his life in attacking. They converted government offices into what they were in England in Bentham's day—refuges for the dependents of leading politicians. Nothing of all this did he foresee. Nor did he foresee that when these new abuses arose they would be—apparently in obedience to a law of the human mind—defended by precisely the same fallacies, produced in almost the same order, as those by which the English abuses were defended. Nothing is so interesting, in Mr. D. B. Eaton's book on the British civil service, as his revelation that nearly everything, both essential and accidental, which we include under the term "spoils system" in this country, has its prototype among the old British abuses. It seems at first sight as if there was one exception—that nothing analogous to the British practice of selling the government offices could be found here. But a little examination shows that the levying assessments on office-holders is the exact equivalent of the British sale. Instead of taking the money for the office in a lump sum, like his British forerunner, the American politician takes it in annual installments. He is compelled to do this, because he does not sell for life to one man as the British office-monger did, but only for a short term of uncertain duration, and therefore cannot demand its full value from the first purchaser. In other words, the American office-holder rents, as it were, what the Englishman used to buy outright.

It is not, however, this remarkable resemblance between British and American abuses to which I propose here to call attention so much as the remarkable resemblance between the modes in which they are defended. To any one who is fond of studying comparative politics, the appearance of the old British fallacy, just as Bentham described it in the beginning of this century, on American soil, as a pure product of the American mind, without any importation of British seed or even interchange of views with British producers, is a most interesting and instructive phenomenon. It is only recently, too, that it has been furnished in a shape sufficiently palpable for examination. The antislavery agitation can hardly be said to have supplied specimens of it, because the controversy there did not rage between the masters and the slaves, but between two—to all intents and

purposes—different communities. The political fallacy never appears in perfection except in a debate over an abuse between the man who profits by it and the man who lives under it, in which the former tries to persuade the latter that abuses are good for him, that his sufferings from them are imaginary, and that if he is wise he will desist from his remonstrances. If the negroes could have argued and agitated, the defense of slavery on the masters' side would probably have furnished the best examples of the political fallacy ever witnessed. Carried on, as the controversy was, with foreign meddlers, there was, on the slave-holding side, little argumentation about it. It consisted, in the main, of brutal and contemptuous defiance. It contained hardly any attempt at persuasion, and where there is no attempt at persuasion the fallacy does not appear in any form worth description or examination.

To find it in perfection, we must go to the civil service reform controversy of the last ten years, and, indeed, one may almost say of the last five years. For it is only within five years that the defenders of the spoils system have begun to look on the attack on it as a serious thing, to be seriously met. When the reform agitation first began, after the war, there was no politician who supposed that it had any force beyond any of the thousand visionary attempts to regenerate society with which a certain class of literary men is supposed to beguile its leisure. Their references to it were mostly jocose, and not respectfully jocose either, because, unlike the other crazes of fanatical reformers, it attacked the privileges and peculiarities of political men. They allowed references to be made to it in platforms, to be sure, but this was because such references cost nothing, and bound to nothing, and, like the usual seesaw about labor and capital, were supposed likely to draw some votes and were certain to repel none. In Congress it was dismissed as a whimsy. When Mr. Jenckes brought it up, he met with no formal opposition because nobody thought it worth while to oppose him. It was not possible to secure a real debate on it in Congress, and most allusions to it were received with laughter. When pressed as to their real attitude toward it, politicians would reply smilingly that they were, of course, in favor of it, as they were in favor of the general triumph of virtue and the reign of universal peace. They were even in favor of legislation about it, but never could be got to approve of any particular

piece of legislation. In the inner political circles, between 1868 and 1878, it was known as "snivel service reform," and was a source of much mingled disgust and amusement. The reformers were sometimes spoken of as a species of millennarians, at others as weak-minded people, who looked at political society as a sort of Sunday-school which could be managed by mild exhortation and cheap prizes, and whom it was the business of practical men to humor in so far as it could be done harmlessly, but not to argue with. Indeed, it may be said that it is only within the last two years that the practical politicians have undertaken to produce in sober earnest what they have to say in defense of the existing mode of filling the Federal offices. In other words, discussion of the system may be said to have only just begun, for without defense as well as attack discussion is not possible, and without discussion the public is never thoroughly informed on any political question. Unanswered argument on either one side or the other has always something of the dryness and ineffectiveness of simple preaching. It is the clash of arms which rouses the popular attention.

The friends of the spoils system have been the more disposed to wait in this case because they have had something on their side which is worth much argument, namely, habit, which is after all the greatest of political forces. "Hast thou well considered," Carlyle says, "all that Habit does in this world of ours; how all knowledge and all practice hang down over infinite abysses of the unknown-impracticable; and our whole being an infinite abyss, overarched by Habit as by a thin earth-rind laboriously built together." The American people have grown used to the spoils system. No youth or middle-aged man remembers any other. Most men who have never given the subject any special attention do not think of any other as possible. To many it has come to seem as natural for all the offices to go to the victorious party as the spoils of the victory, as to see goods knocked down at an auction to the highest bidder. Nay, it has come to wear, in the eyes of many, the air of an American invention, like the Constitution itself, and an honorable feature of democratic government. A powerful presumption in its favor has thus been created, which has really thus far saved the politicians who believe in the spoils system the necessity of coming to its defense. They have relied, and relied with good reason, on a powerful and prolonged resistance from popular habit to any attempt at change.

Any one who undertakes, therefore, to furnish out of the civil service reform agitation illustrations of the way in which American conservatives defend an abuse has not very abundant materials to stand on. The defenders of this particular abuse have not written or spoken very much, and they are seldom skillful or fluent with the pen. In the stage of ridicule they were prolific enough, but it is not possible to refute a sneer, or show the fallacy or falsehood of a joke. Nevertheless, such serious essays and articles as they have produced are excellent specimens of the kind of argumentation which Bentham so mercilessly exposed, and, in fact, so closely resemble the British Tory's defense of his perquisites and privileges that it seems marvelous that they should have been produced by men who have received their political and rhetorical training in this country. One of the best for my purpose appeared in the January number of this REVIEW, entitled "The New Political Machine," by Mr. W. M. Dickson. It is not, by any means, a strong presentation of the spoilsman's case: a very much better face might be put on it than Mr. Dickson puts; but it has the great merit of collocating, though not connecting, a number of the objections to civil service reform which circulate in a vague form among that very large body of persons who know little about the matter, and which have just enough plausibility to prevent their being looked into. In fact, Mr. Dickson writes as if he knew very little about civil service reform himself, but had been listening to the chance remarks on it made in hotel reading-rooms and in railroad trains, and had noted them down and thrown them together.

He begins by confessing that he does not know what it is the civil-service reformers want. "When one says," he remarks, "he favors civil service reform, nobody knows what he means, if he is fortunate enough to know himself." This is, however, an unfortunate thing to say at the outset, because, if true, it would deprive Mr. Dickson of his only excuse for writing his article. He cannot refute the civil-service reformers if he does not know what they affirm, and it is, nevertheless, in order to refute them that he writes. This view of the matter, however, seems to have dawned on him very quickly, for, on his second page, he undertakes to describe what civil service reform does mean, though where he can have got his information it is, on his own showing, impossible to see. He says:

"Some want fixed terms and rotation in office; some want entrance to the service through competitive examination; some through the nomination of members of Congress; some would have Congressmen prohibited from interfering; some suggest that constituents cease importuning Congressmen for appointments; some would prohibit Government officers from taking part in political management,—according to a famous executive order not likely to be repeated,—and would exempt such officers from political assessments."

He has here put together some things which all civil-service reformers do advocate, and some which some advocate, and one, at least, which no one calling himself a civil-service reformer has thought of advocating. No civil-service reformer, for instance, advocates "rotation in office"; there is no such thing as rotation in office in this country; there never has been and never can be. There is succession, and sometimes very rapid succession, in office, but there never has been a system of regular turns in office open to all citizens, and when Mr. Dickson says rotation in office, it is probably rapid succession in office that he means. But no recognized and sincere civil-service reformer has ever asked for anything of this kind, for the reason, among others, that it is one of the existing abuses to which he seeks to put an end. Nor does any civil-service reformer—so far as my observation goes—ask for nomination by members of Congress, because this, too, exists already, and is part, and a large part, of the thing to be reformed. Indeed, accusing civil-service reformers of seeking these things is very like accusing John Gough of clamoring in his lectures for cheap whisky. It is quite true that some reformers suggest that constituents should cease from importuning Congressmen for appointments; but this is no more bewildering than that prohibitionists should, while demanding that all rum-shops be closed by law, also suggest that in the meantime nobody should buy any rum.

Mr. Pendleton's bill was, we believe, thoroughly considered and approved of by the Civil Service Reform Associations before he introduced it. It is, in fact, the expression in legislative form of the change which the reformers seek to bring about at present. They all support it, and so does all that portion of the press which professes to favor civil service reform. Its operation is confined to Government clerks. "But," Mr. Dickson says, "the teachings of the *doctrinaires* on this subject have no such limitations,"—"what they seek is a graded service under which all

executive officers below the cabinet shall hold for life." Who these *doctrinaires* are, or where their "teachings" are to be found, he does not say, and we have no hesitation in adding that the *doctrinaires* are the creatures of his imagination, and that he has never seen and cannot produce the teachings he describes. This he makes plain enough by asserting, in the next paragraph, that "in a word, it is proposed to apply to the civil service the rules and methods of the military service," and that "the propriety of this is the inquiry before us." This is so obscure a proposition that it might be difficult to dispute it if he did not go on to explain that he means by the application to the civil service of the rules and methods of the military service the creation of an army like the regular army, "a class separate from the rest of the community, subordinate only to one; by organization and discipline welded into one body with one soul—that of the supreme commander, the President." He then goes on to show the dangers which would result from this increase of the presidential power. We are, however, saved the trouble of pointing out that the officers of the civil service would, under any system of appointment, no more resemble the regular army, either in discipline or organization or habits, than the clerks of a bank would resemble an armed body-guard for the president or cashier, by Mr. Dickson's again demolishing his own argument by declaring that his own fears are chimerical; that patronage, by whomsoever wielded, does the wielder no good; that no President, since Jackson introduced the spoils system, has been able to profit by it; and that the Congressmen have fared no better. Why the President does not make an army out of the vast body of officials who now hold office at his pleasure,—for there are not over two thousand whose terms are fixed by law,—Mr. Dickson does not explain. In fact, on this point he seems, whichever side he took, to have been so much impressed by the fallacy of his own position that he at once ran around to the other side to expose it. He is so much interested in his own dialectics that he occasionally forgets what his thesis is.

In defense of the practice of permitting and even compelling Government employés to devote a large part of their time to political management, Mr. Dickson says that it is the natural and unavoidable result of the absorption of other citizens in their own affairs, and of their unwillingness to give time and thought to electioneering,—to which, nevertheless, much

time and thought must be given by some one in order to make party government possible. "There are," he says, "fifty thousand Republican voters in the city of New York. The management falls into the hands of the Republican national officers, and they rule the fifty thousand voters. But here the effect is mistaken for the cause, the symptom for the disease. Is it not quite apparent that these five hundred rule these fifty thousand simply because the latter permit it? We live in an age of infinite division of labor, of fierce competition. The tradesman or professional man must give his entire time to his business, or he falls behind in the race. These fifty thousand have no time to give to party management, and are very glad to have the Federal officers do the work for them. No doubt, in the absence of these Federal officers, there will arise local rings in New York who will take these fifty thousand as a necessary force to trade with the contending Democratic faction, and their last estate will be worse than their first." He then asserts that politics is a profession, or, as he says, "both an art and a science of great complexity and difficulty, requiring for its understanding and management high capacity, reënforced by the training of a life. It requires a special class set apart for its study—a political priesthood." If our politician be bad, he is simply the product of our democratic civilization, and such as the people want. Therefore we must, such as he is, let him alone. We must not sneer at him, because by sneering we "get rid of truthfulness and manliness, and substitute falsehood and political cant and hypocrisy."

"In the discussion of civil service reform, the friends of the new policy are wont to refer to the practice of England. Let us imitate them here. There the profession of the politician is side by side with that of the doctor, lawyer, and preacher, ranking them all. Gladstone is a professional politician. Mr. Forster, one of her most eminent younger statesmen, recently said, in his rectoral address to the students of Aberdeen University, that he was a professional politician, and that he presumed some of them would follow that profession. In England, men of the highest character present themselves as candidates for office and solicit support. All is done openly and in a manly way.

"We may, in America, continue to sneer at the politician and a 'political priesthood,' but we are only sneering at our republican system."

We have quoted Mr. Dickson somewhat fully on this point because it is unquestionably, though not the strongest point of

his position, the most plausible, and that on which his argument will find readiest popular acceptance. Tens of thousands are reconciled to the "spoils system," including the use of the public money by the party in power to pay its own election expenses, by the belief that, be the system bad or good, it cannot be helped,—that it is the product of human nature working through democratic institutions, and that, whether we like it or not, we must accept it and make the best of it.

It is to be observed of this argument, however, in the first place, that it is simply a new application of the old doctrine by which all abuses have been defended and all improvements opposed ever since the dawn of civilization—that whatever is, if not wholly right, is unavoidable and the only thing that will work. There is none of the old English Tory fallacies which was so well known and did so much service, and it always enabled the Tory to wind up by telling the reformer that, if he wished a change, the best thing for him to do was to let politics alone, and set himself to work for the improvement of human nature. For every political abuse is undoubtedly the joint product of human nature and of the social conditions in which it appears. The absolute monarchy, the constitutional monarchy, the aristocratic republic, and the democratic republic, each has abuses peculiar to itself, and all can be defended and all have been defended, as Mr. Dickson defends the diversion of official salaries to pay men for working the party machine, by saying that they are the natural result of the system in which they appear. When Robert Walpole paid regular stipends out of the public money to members of Parliament to secure their votes, he justified it on the ground that it was the only way in which he could secure the majorities necessary to carry on the King's government. He might have added that the corruptibility of members of Parliament was due in part to the condition of human nature and in part to the condition of English society; that they could not exist if the English people were not content with that kind of representative, and that he was not to blame for administering the government in the only way in which it could be administered. In fact, no abuse could ever be removed if its existence furnished a reason for not trying to remove it.

There are probably few practical politicians, of those who believe in the spoils system, who will thank Mr. Dickson for his

New York illustration, because it shows too much zeal. The state of mind about public affairs on the part of the voters in this city which he describes would, if it existed, show that the fifty thousand Republican voters were totally unfit for free government. The reasons which Mr. Dickson gives for their submission to the leadership of the office-holders would cause them to submit even to a despotism without republican forms. If the only result of withdrawing office-holders from the work of management would be the appearance of local rings who would use the fifty thousand as a "mercenary force" to trade with, it shows that the fifty thousand would submit to any government, however base. No dictator could do more than use them as a "mercenary force" to trade with. Mr. Dickson consequently proves too much, for, if he proves anything, he proves that we need electioneering office-holders because the voters have ceased to care for self-government, and are ready to let any one govern them who chooses to take the trouble.

We must suppose that he would, if pressed, say that he did not mean that the state of things in New York was a fair specimen of the state of things in the country at large. But if he did not mean this, the New York illustration is of no value. If the American people as a whole were so absorbed in their private business as to make it absolutely necessary for office-holders to do the work of political management in order to prevent a stoppage of the electoral machinery and the disappearance of party government, the end of this form of government would be very near at hand. The truth is that if the interest of the community in politics was not sufficiently great to provide volunteers for the work of looking after the machinery of election and of bringing voters to the polls, it would be impossible for the office-holders to save the country. It is ludicrous to suppose that it is these eighty thousand or one hundred thousand obscure, mediocre, and poorly paid men who keep alive the devotion of the American people to their political institutions.

There is no reason to think that the interest of the voter in politics is any less here than it is in England. In fact, there are numerous reasons for thinking that it is far greater. Nevertheless, in England it is found entirely unnecessary to have any appointed government officer assume the duties of party management, or to offer the subordinate offices as the reward of party service. The number of offices which go to the victors

at an English parliamentary election, as "spoils," is not over thirty, and these in the upper grades, and the subordinates seldom take any part in elections beyond voting. Mr. Gladstone and Mr. Forster, the "professional politicians" to whose political activity Mr. Dickson naïvely points as an excuse for making custom-house and post-office clerks electioneering agents, are among the great party leaders whose duty it is to embody its policy in legislation, and lead it in the parliamentary debates. It is not proposed by the civil-service reformers to put any restriction on the corresponding class in this country. On the contrary, it is for the purpose of making the men of this class freer to occupy themselves with great questions of state, and with the work of persuading and organizing voters, that reformers seek to relieve them from the responsibility and labor of filling the subordinate offices with their followers and henchmen. It is because the class of Gladstones and Forsters has been growing smaller in American politics for many years, and seems in some danger of disappearing under the demands made by the spoils system on its time and attention, that the system is now so vigorously attacked. Mr. Dickson quotes one trite observation of Mr. Forster's at Aberdeen, but he manages to forget Mr. Mundella's declaration when in this country that, though a prominent member of the party in power, he could not control the appointment of a single letter-carrier, and Mr. Gladstone's public statement in 1871 to his constituents that, "as to the clerkships in his own office [the Treasury], every one of them had just as much power over them as he had." Nevertheless, English parties have no difficulty in bringing their voters to the polls, and in raising money for the canvass, without the aid of Government employés, and without assessments on office-holders.

There were over two million five hundred thousand votes cast at the British election of 1880, and it is estimated about ten million dollars were spent on both sides, although less than thirty administrative offices changed hands at the close. The electioneering work was done by volunteers and the money came from private contributions, and the Government employés cared no more about the result—had no more reason to care, and were no more responsible for it—than other citizens. The motive power in this case was supplied by the popular interest in the great questions of the day as discussed on the stump by the

party leaders. It was the eloquence of Gladstone and Forster, of Harcourt and James and Hartington, in short, which drove the Tories from power; and it was with counter eloquence on the stump, and not with the activity of a few hundred gaugers, appraisers, and postmasters, that the Tories met the attack.

It is true that the English voters are not called upon as often as the American voters are for displays of great political activity; but the difference in frequency of elections is not so great as to reduce the American voters to such a condition of helpless apathy that it is owing to the labors of the Government clerks that the candidates are selected, issues framed, and the verdict of the constituencies on men and measures brought out. In fact, we know it is not, by the example of politics without office-holders afforded by the history of the Democratic party since the war—an example which writers like Mr. Dickson constantly overlook, to say nothing of that afforded by the Republican contest of 1860. In that year, the Republicans had no more office-holders at command than the English Liberals in 1880. Nor was there much passion for office, or expectation of office, among the men who then led them, or constituted their rank and file. Nevertheless, in that year the Republicans polled 1,866,352 votes against the 1,964,738 of Douglas and Bell combined, or nearly one-half of the total vote cast. In 1864, the Democrats, though out of office and thoroughly discredited by the war, polled 1,808,725 votes against the Republican 2,216,067, Lincoln's majority being only 407,342. In 1868, the Democrats polled 2,709,613 votes against the Republican 3,015,071, Grant's majority being only 305,458. In 1872, the Democrats, even after committing the immense folly of nominating Greeley, polled 2,834,079 votes against the Republican 3,597,070, Grant's majority being 727,975. In 1876, the Democrats polled 4,284,757 votes against the Republican 4,033,950, giving Tilden a majority of 156,909, though they were led by men who had not held a government office in sixteen years. Is it not amazing that with this example of the devotion of the American people to their political ideas, and their readiness to give time and money to the expression of them, we should often be assured by Republican politicians that without office-holders' "work" and taxes on their salaries, elections cannot be carried? The truth is, that whenever a party is unable to find enough volunteers to give time and money to the canvass and organization of the voters, and the con-

26

duct of elections, it is a sign that if out of power it is not entitled to it, and if in power that it ought to lose it. The game of politics in a free country consists, or ought to consist, in the winning or keeping of the government by the party which brings most enthusiasm to preparation for elections, and can command the services of the best speakers, and procure most money from its adherents. In politics, a party which confesses that it cannot win without using the Government officers to do the work of its canvass, and without making their bread depend on their doing it, confesses that it is unfit to govern. It is the next thing to the confession of a State that it can find no soldiers among its own citizens to defend its independence.

Mr. Dickson's idea that politics must be the business of "a political priesthood," and constitutes a sort of mystery with which only the initiated can deal, is another curious and interesting survival of the old Tory notion about "statecraft" which prevailed in England down to the passage of the Reform Bill. It was unknown in the free states of antiquity. To the old Greek or Roman of the republic there were for free men no *arcana imperii*. There was no problem of government which any citizen was incompetent to discuss, and no office of state for which he could not judge of any man's fitness, if he could not fill it himself. The idea that politics is a mystery, and politicians "a political priesthood," grew up in the Middle Ages, when kings became the "Lord's anointed." It was still strong in England, in spite of parliamentary institutions, down to the expulsion of the Stuarts. Queen Elizabeth rebuked, through the Lord Keeper, "those audacious, arrogant, and presumptuous members who had called Her Majesty's grants and prerogatives in question, meddling with matters neither pertaining to them nor within the capacity of their understanding." By the time the Reform Bill was under debate, the priesthood had passed from the king to the aristocracy, and the Duke of Wellington, as his lately published letters show, was unable to conceive of government administered by any body but the gentry. During the debates, a bishop asked in the House of Lords "what the common people had to do with the laws but to obey them." These notions have disappeared over here, or, at all events, those who hold them do not venture to avow them. It is more than odd to find them presented among us in the form of an appeal to treat politics as a mystery, which the American people would do well

to leave to the sacred fraternity of henchmen, tide-waiters, appraisers, and gaugers.

But, then, what can one expect, or what may one not expect, from gentlemen who, like Mr. Dickson, gravely maintain that "the principle of rotation" ought to be adhered to, because it was "impressed on the American soil" by Ferdinand and Isabella, in their letter of instruction to Ovando (1501), when they told him to make a "change of authorities" among the Spanish officers, "so that many may have a share of profit and honor, and be made skillful in affairs"? The proper answer to this discovery is that Mr. Dickson has been reading in the wrong direction, and that he should have given some of the time he has spent on Spanish history to examining the subject he is now writing about. When he says, after a glance at the Chinese system of competitive examinations, that "the adoption of the same system here is in derogation of popular rights, limiting, practically, as we have stated, the appointments to college graduates," he confesses ignorance for which no excuse can possibly be found in the annals of any nation, ancient or modern. Here is a little table giving the result of forty-eight examinations in the New York Custom-house up to February, 1881, this being the only place where the competitive system has been thoroughly carried out in the United States:

	Number examined.	*Number appointed.*	*Percentage of number examined who have been appointed.*
Educated at public expense	490	74	15
" " academies	191	41	21
" " colleges	50	8	16
	731	123	16½

It will thus be seen that of seven hundred and thirty-one candidates examined, only fifty were college graduates. The rest came from common schools and academies, and of one hundred and twenty-three appointed, only eight were college graduates. So that it would appear Mr. Dickson did not take the trouble to make even a slight inquiry about a matter which furnished the very foundation of his subject. In truth, had he investigated, he would probably not have written, or if he had collected facts before writing, his article would have been something entirely different. The largeness of his treatment, and the ease with which he disposes of the reformers, are due to his having failed to dis-

cover what they seek and what they are doing — a disqualification which he naively admitted at the outset, but subsequently, it seems, forgot.

He says he "never reads the utterances of these gentlemen [the *doctrinaires*] without being reminded of what Cicero says of Cato — 'wisely and eloquently described,' says Lord Bacon: '*Cato optime sentit, sed nocet interdum reipublicæ; loquitur enim tanquam in republica Platonis, non tanquam in foro Romuli.*'" This quotation would be more effective if Mr. Dickson had given any sign of having read the utterances of the *doctrinaires*. As matters stand, it recalls Bentham's classification of the persons who take refuge from the discussion of a proposed improvement in government by pronouncing it "utopian," and "speculative," and "theoretical." Those who find consolation in this cry are, he says, (1) "all idle men — haters of business; (2) all ignorant men, who for want of due and appropriate instruction, feeling themselves incapable of judging on any question on its own merits, look out with eagerness for such commodious and reputation-saving grounds; (3) all dull and stupid men, in whose instance information, — reading, — such as has fallen to their lot, has not yet been sufficient to enable them to determine a question on its own merits. When a train of argument, when but a single argument, is presented that requires thought — an operation so troublesome and laborious as that which goes by the name of *thought* — an expression of scorn leveled at the head of the author, or supposed author, of this trouble is, as far as it goes, a just, howsoever scanty and inadequate, punishment for the disturbance attempted to be given to honorable repose."

E. L. Godkin.

A NATIONAL MILITIA.

THE existing national militia law was enacted in 1792, since which time no material modifications of it have been made. It will be conceded, even if the law had been originally perfect and adapted to its objects, that time and circumstance must have made some of its provisions obsolete, and experience have suggested changes in others. That the law was not originally perfect is sufficiently evidenced by the fact that President Washington, in the year following its enactment, earnestly urged its amendment, and that more than thirty of the annual messages of the presidents since that time have called the attention of Congress to the subject.

To form a just opinion of what changes in the law are necessary, we must first agree on the objects of an organization of the militia, and wherein the existing militia fails to fulfill those objects. It is also essential, in determining what changes are requisite, to inquire why all efforts to secure any change have hitherto failed.

The objects of the organization of the militia I conceive to be twofold: in the States separately, to provide a regularly disciplined force to suppress riot or insurrection and to aid the civil authorities in the execution of the laws; in the States collectively, to provide for the emergencies of national defense. Hence the provisions of the Constitution for a divided and yet a joint control of the militia by the State and national authorities.

So far as the States separately are concerned, it would naturally follow that their respective provisions for the organization and support of the militia would depend on their situation and local necessities; and such has been the fact. So far as the States collectively are concerned, it is vital that these disparities should not be allowed to exist, and that all should be equally competent to "provide for the common defense."

Assuming that the purposes named are the objects of an organization of the militia, it will be conceded that the existing militia fails to fulfill its purposes, by reason of disparity of strength and efficiency, and lack of uniformity of organization in the different States.

To answer the inquiry why all efforts to reorganize the militia have hitherto failed, it is necessary to examine the provisions of the existing law and the changes that have been proposed. The history of the subject is interesting and instructive, but want of space forbids a detailed recital of it.

The existing law requires every citizen between eighteen and forty-five years of age to arm and equip himself and perform the duties of militia training and drill. At the time of its enactment, the country had a population of less than five million, was subject to constant and active Indian hostilities along an extended frontier, had unsettled difficulties with Great Britain, and threatening disputes with Spain and France. That every citizen should be a soldier was so much a necessity that it was promulgated as a fundamental doctrine of republican institutions.

As the Government became more secure and the population larger, it became apparent that it was impossible and unnecessary to enforce active militia duty upon the whole people at their individual expense. All messages of presidents, all reports of secretaries of war, Congressional committees, and specially appointed commissions from 1790 to 1840, concur in attributing the failure of the militia system to the impracticability of holding the whole population to militia service. Consequently, the first and, in fact, all subsequent efforts to change the militia law were directed to classifying the militia so that only a portion should be trained and held to service in time of peace. Various and ingenious were the propositions made for such a classification, and the failure to obtain any change resulted solely from the difficulty of agreeing on any one of these propositions.

If I have correctly stated the objects of the organization of the militia, the points wherein it has failed to fulfill those objects, and the cause of the failure of all efforts to amend its organization, the solution of the militia question appears to my mind ready and simple.

The proper uses of a national militia were well expressed by Jefferson in one of his annual messages to Congress, to be "not only to meet the first attack, but, if it threatens to be permanent, to maintain the defense until regulars may be employed to

relieve them." General Gaines, in a letter on the subject, indicated another important feature of the value of militia training, by asserting that "many valuable officers and soldiers have at different times made their way through volunteer companies and battalions to stations of great utility and distinction in the public service."

If the question was simply how to organize an effective national militia, it could be very quickly and satisfactorily answered by any person of military education and experience. But there are certain limitations imposed by our form of government that make the question a more difficult one. Under these limitations the question becomes, how can the National Government, under the powers conceded to it by the Constitution, provide that the militia of a large number of separate States shall be so equally efficient and uniformly organized as to be available for national defense when required?

If the solution of the problem be left entirely to the different States, it is evident that no State will make any greater expenditure for the organization and instruction of its militia than its own necessities require. This we find to be the actual fact and the cause of the present disparity between the States. It is also evident that no construction of the Constitution will justify compelling the States to incur such expenditures as may be necessary to organize and instruct their militia for use in the common defense.

I am one of those who believe that the powers conceded to the National Government over the militia are very much greater than it has ever exercised or claimed. The committee of the Federal Convention that reported the clause of the Constitution giving Congress power "to make laws for organizing, arming, and disciplining the militia," on being questioned as to what they meant by those expressions, replied that "arming meant not only to provide for uniformity of arms, but included the authority to regulate the modes of furnishing, either by the militia themselves, the State governments, or the national treasury; that laws for disciplining must involve penalties and everything necessary for enforcing penalties." But whatever may be the technical or the proper construction of the powers of Congress, I do not believe in making any change in the relative powers of the States and National Government over the militia to which we have become accustomed by long habit and practice. In the solution of the militia question which I shall suggest, no change

is required, and we may most happily eliminate any question of constitutional power.

In my opinion, time and circumstance have solved all the difficulties in the militia system for which statesmanship has hitherto failed to find the remedy.

As I have stated, the principal fault of the militia law was early found to lie in the impracticability of holding the whole population to militia duty. Its absurdity is sufficiently apparent if we consider that if it were enforced we should have to-day an armed militia of seven million men. For fifty years the discussion was continued how to divide and classify the militia to secure only the necessary militia force. During this time, the country rapidly advanced in population and prosperity, and in the same proportion that it progressed, the militia law was disregarded. A new militia began to be formed by a process of natural selection, and volunteer companies were organized by those whose tastes inclined them to the "pomp and circumstance of war." Some of the States fostered and encouraged these volunteer organizations until they increased sufficiently in numbers to furnish all the militia force required. Annual training days and the "corn-stalk militia" gradually disappeared, and are now almost as completely forgotten as the law under which they flourished.

There exist to-day in the various States about one hundred and twenty-five thousand organized volunteer militia. In some of the States they are paid for a portion of the time devoted to drill and instruction, are furnished with uniforms, and thoroughly organized and equipped to take the field at a moment's notice; in other States they are forced to support themselves at their individual expense, and are wholly unprepared and unfit to render service. Enough, however, has been shown by these volunteer organizations to prove their value if properly supported, and to indicate that in a total population of fifty million there is a sufficient number interested in military affairs to voluntarily furnish as large a militia force as the country, under any circumstances, should maintain.

These are the facts which have led me to the opinions I offer in solution of the militia question. While legislators have been endeavoring to find a mode of classifying the militia, the latter have classified themselves. We have to-day two classes of militia—the active militia, composed of volunteer organizations, and the inactive militia, composed of the body of the people, who

have absolutely forgotten or are ignorant of the fact that the law imposes any militia duty on them. It simply remains for Congress to recognize the existing condition of affairs by law, to accept the volunteer militia as all the militia needed in time of peace, and to make the necessary provisions for their encouragement and support.

As to the manner in which the Federal Government should encourage the formation of volunteer militia organizations, to what extent it should provide for their support and dictate the manner and nature of their instruction, I believe that it would be impolitic to do many things that in the abstract would be conceded to be wise and salutary measures. Any interference with the organization of the volunteer militia force that now exists would be resented, and perhaps would result in disintegrating it, and I therefore favor providing further for its support and instruction, rather than attempting the creation of a new force.

One great obstacle to the self-improvement of the volunteer militia has been the small amount of the annual appropriation and the limitation on the purposes to which it may be applied. The annual appropriation was fixed by law in 1808 at two hundred thousand dollars, which is now an absurdly small sum when divided among thirty-eight States. The law has always been construed to limit the use of the appropriation to furnishing the States with arms, equipments, and ordnance stores, and consequently, in those States whose local necessities have not compelled them to supply the other stores which are needed, the volunteer organizations are obliged to furnish their own uniforms and overcoats, and have never been able to obtain the benefit of camp instruction, for the want of tents, blankets, and camp equipage.

My opinion, therefore, is, that the first and most obvious amendment necessary in the details of the law is to increase the annual appropriation to at least one million dollars, and to provide that the States may draw their respective quotas of that sum in arms, equipments, uniforms, camp equipage, or in money to pay their militia for annual duty in camps of instruction, as they may choose.

The law should further prescribe the amount of drill and instruction to be required of the volunteer militia, and provide for annual inspections, by officers of the army, to determine their efficiency. The right of any State to participate in the annual appropriation should be made dependent on its passing laws to

organize and train its militia in the manner prescribed by Congress, and on the report of the inspector that such laws are complied with. Such an arrangement would obviate all questions as to the extent of the power of the Federal Government over the militia in time of peace. This, however, is not a merely specious device for evading constitutional questions; for, the results, I believe, would be more satisfactory than could be obtained by the most stringent laws.

Space is wanting here for the consideration of details, but such as are adapted to this plan will readily suggest themselves.

The conclusions which I have reached may be summed up in the following propositions:

First. Divide the militia by law into two classes—the active, and the inactive. The active militia to consist of existing volunteer organizations and such additional ones as may be formed, up to a prescribed number, in each State.

Second. Increase the annual appropriation for the militia to one million dollars, to be apportioned among the States according to the actual number of volunteer militia organized in each, and allow the States to draw their allotted portion in arms, uniforms, camp equipage, or money to pay militia for camp duty, as they may choose.

Third. Prescribe a simple and durable uniform, to be furnished by the United States, and to be worn by the militia whenever performing any duty specified by law; allowing them to provide at their own expense any special uniforms they may desire for their own uses.

Fourth. Prescribe the organization and regulations for the training and discipline of the militia, and make participation in the annual appropriation dependent on compliance with such requirements.

I believe that Congress could be induced to amend the law to the extent I have indicated. The National Guard Association have signified that such amendments would be acceptable to the volunteer militia, and doubtless they would be acquiesced in by the people. I confess that I do not regard this as the best possible plan on which to organize a national militia, but I consider it as the only feasible plan, and as such, prefer advocating it rather than to urge an elaborate plan that would arouse opposition, create jealousies, and inevitably be defeated.

ALBERT ORDWAY.

THE RUINS OF CENTRAL AMERICA.

PART X.

On my return to the scene of my labors, after an absence of several months in Europe, I arrived in Vera Cruz October 13, 1881, and at once visited the capital, to obtain from the Government the release of the antiquities I had stored in the National Museum. During my stay in the city of Mexico I made excursions to Tula, Teotihuacan, and two or three other places. On the first of these excursions I had the good fortune to be accompanied by Mr. Bliss, an American engineer, and by Mr. Mendoza, director of the National Museum. The railroad line passes through the cut made in former times by the Spaniards to carry off the waters of the valley. This vast work—the cut is in some places three hundred feet deep by four hundred feet wide—employed during many years seventy thousand Indians, while seven thousand women *(tortilleras)* prepared food for the laborers. At Tula, I found the Toltec house nearly destroyed by visitors and Indians. As for the palace, it is still intact. That vast habitation fills all who behold it with wonder. Mr. Bliss, who had read my description of it in The Review, confessed that the reality far surpassed his anticipations. On my return from the South I will revisit this place, to disinter the city itself and the great temple, La Rana, mentioned by Veytia.

A few days later, in the course of my excavations of an ancient habitation at Teotihuacan, I found a very thin coat of plaster, of the same general character as other layers found in the same locality, as well as at Tula, but with this difference, that while the others were painted red, this is covered with human figures in bright colors, the whole forming an immense mosaic surrounded by an exceedingly rich border.

In the city of Mexico, while waiting for the Government's action, I occupied myself with collecting books and visiting the

libraries and museums. I have found many things of great interest, but nothing that struck me so much as a collection of objects in copper, and especially a serpent of the most perfect finish. Japan has nothing that excels this, nor could it be surpassed in Europe. Thus, then, ancient Mexico had made a degree of progress in art of which we know nothing, and of which this curious specimen gives but a faint idea.

The first of December found me in the city of Merida, Yucatan. On arriving, our first care was, of course, to find a lodging-place. This was no easy thing; for though the city has a population of thirty thousand souls, there is no hotel, and on inquiry we learned that there were no houses to let. What were we to do? I hired a hack, and after a long search I fell in with an acquaintance of twenty-five years ago. This friend was able to accommodate my party of three with one little, unfurnished room. By the American consul here, Mr. H. Aymé, I was received as an old friend.

The city of Merida, founded in 1542 by Francisco de Montero, on the site of Tihoo, possesses hardly anything in the way of public monuments except the cathedral, which stands on the east side of the grand *plaza*. The façade, which measures one hundred and eighty-four feet, consists of a plain wall, surmounted by a gallery, and flanked by two belfries of no great elevation. The edifice is two hundred and seventy-two feet in length, and the interior is imposing; it is divided into three aisles, with arched ceilings, supported on twelve enormous pillars in the middle and twenty others built into the walls. A number of little chapels open into the aisles on both sides. The whole gives evidence of solidity—a quality that characterized all the works of the conquerors.

On the opposite or west side of the *plaza* stands the palace of the Ayutamiento, consisting of two galleries superposed—a simple veranda of two stories. The *plaza* itself looks bare and bleak. The streets of Merida intersect at right angles, and the city is a great checker-board. The houses are of one story, those of two stories being the exception; and though exteriorly they look poor and mean, interiorly they are admirably planned for comfort in a warm climate. The rooms are large, with very high ceilings, and they all open on a spacious court, surrounded by a colonnade gallery, which in some cases exhibits great elegance of style. This court is planted with flowering shrubs, banana trees, and palms.

The fortress, which in former times stood in the heart of the city, is now given over to destruction. Here were once ancient palaces, the vestiges of which will yet be disinterred.

Thanks to the courtesy of the Gefe Politico, I was enabled to take photographs of several Indians of unmixed race, from the village of Cancel. I also made head-measurements of these Indians. I found them all to be in a very extraordinary degree brachycephalic and orthognathic. Their skulls seem as though they had been all cast in one mold. Later I measured the heads of eight Indians from Papacal, and in these, as in the others, the maximum antero-posterior diameters were the same as the transverse diameters. All, too, had the same shapely nose, the same well-cut mouth, small ears, and broad teeth — evidences of very uncommon purity of race. The body is well nourished, though the people live poorly and labor hard. Their limbs are slender — no biceps muscle, and the calf of the leg but little developed. They have no strength for lifting or carrying with the outstretched arm, but extraordinary strength for carrying burdens on their backs, partly supported by a band across the forehead. Furthermore, they can travel an enormous distance on foot. In case of need, they are unequaled for sobriety. They are men of low stature, this Maya race, but they are a sturdy breed, as their history shows, and they must have impressed themselves deeply on the Toltec civilization of Yucatan — or, as it deserves to be called, the Maya-Toltec civilization.

In one respect, especially, these American civilizations are very remarkable — the brief period of their existence. The Toltec empire of Tula lasted from the year 650 to 1050 — four hundred years; the Chichimec empire from 1100 to 1521 — four hundred and twenty years; the Aztec empire from 1323 to 1521 — two centuries; and the empire of Guatemala, Tabasco, and Yucatan from 1100 at the earliest to 1522 — four hundred and twenty years, and not so long if we admit the dislocation of the kingdoms of Yucatan, which, at the time of the Conquest, were in full process of decadence and represented only a powerless feudality. I well know that the legends date from a much earlier period the foundation of the empires last named, but I do not accept their chronology, and I will later give my reasons. I know that Juarros traces the Utatlan dynasty, though he calls it Toltec, back to a time many years anterior to the Christian era. In his simplicity he gives us a list of fifteen kings for that long period, which would make the mean length of a reign one hundred and

two years! But the mean length of reigns in Europe, as in America also, is twenty-two years, and according to that estimate the duration of the Guatemalan dynasty of Utatlan would be three hundred and thirty years; and as it was destroyed by Alvarado in 1522–3, it would have had its rise about the year 1192 —a date which corresponds exactly with the time of the arrival of the Toltecs in Guatemala.

I find in these facts a striking evidence of the common origin of all these civilizations. All the different tribes were of one lineage. They all stood in the same grade of civilization, except the Toltecs, who were more advanced than the rest. The several tribes came following one another closely, like the Germanic hordes in their invasions of the Roman world, so that the later-comers would press on their predecessors, compelling them to push on farther and to transplant their civilization.

On December 21st we set out for Aké, expecting there to find monuments altogether different from those to be seen elsewhere in the Yucatan peninsula. Stephens has not much to say of Aké. The principal ruin, he says, is colossal; the whole he describes as cyclopean; in his eyes the ruins of Aké appear to be more ancient than any of the other ruins. He adds, quoting Cogolludo, that the Spaniards in their march reached a city named Aké, and there had a fight with a multitude of Indians. Thus, then, at the time of the Conquest Aké was an inhabited town.

The ruins are situate on the *hacienda* of Don Alvaro Peon. Mr. Peon, when we called on him to obtain permission to visit Aké, received us with the greatest kindness, and gave us a letter of introduction to his major-domo, who was directed to place at our disposal the services of all the people on the *hacienda*. Aké is situate some thirty miles to the east of Merida, on the road to Izamal. Travel was difficult on account of the frequent rains, though the dry season was overdue.

On our arriving at the *hacienda*, at seven o'clock in the evening, the major-domo, taken by surprise, had nothing to offer us but a cup of chocolate, but promised us better fare on the morrow. Fortunately, we had some provisions with us, and, supper over, we retired to rest behind mosquito-nettings. At dawn the next morning we were up, and found the major-domo and his laborers awaiting our commands on the veranda.

Aké was undoubtedly once the center of a great population.

Here we find fifteen or twenty mounds of varying dimensions, and in groups around the principal ruin, of which I shall speak presently.

We directed our steps toward the first group to the north from the house of the major-domo. Here in front stands an isolated pyramid, in nearly perfect condition, made of great blocks of stone without mortar. It is about forty feet high, and terminates in a little chamber, the roof of which has moldered away, though the walls are yet standing. This pyramid, like all the others here, consists of three successive esplanades. There is a striking resemblance between these and the pyramids on the north side of Teotihuacan and the pyramids at Palenque.

To the south of this are two pyramids of oblong form, twenty to twenty-five feet high, and standing parallel to each other, while two other smaller pyramids are so placed as to inclose, with the larger two, a sort of court. The whole reminds us of the edifices at Tula and Teotihuacan known as "citadels." The top platform of these pyramids was very narrow, and afforded no room for buildings of any considerable size. A few scattered stones were all the *débris* to be seen, nor was there any indication that the summit had ever been crowned with buildings.

But the principal pyramid, with the singular monument which crowns it, is exceedingly interesting. Its extraordinary appearance, the great size of the stair-way, the strange style of the architecture, contradicting as it does all the other Yucateca monuments—all seem to transport you into another world. I was, for a time, much annoyed by all this, for it appeared to strip my theory of all its value. I asked myself, Is this a different civilization, or do these monuments belong to an earlier epoch? If you start from a true principle, everything fits into its own place, and harmonizes with everything else; you have only to keep your eyes open, and you can read the history as in a book. But here I was puzzled.

This singular monument consists, or, rather, did consist, of thirty-six columns,—for only twenty-nine of them remain standing,—on the plateau of a great pyramid, about thirty-three feet high. The summit of the pyramid is reached by means of a giant stair-way, formed of rude slabs of stone from five to six feet in length, and differing in thickness from twelve to twenty inches. The columns had a mean height of fifteen and a half feet, to judge from those which are highest and in best state of

preservation. Each one consists of ten blocks, three feet nine inches in diameter, but varying in thickness from fifteen to twenty inches. I was told that it was all built without mortar, and that neither mortar nor cement was to be seen at Aké.

Now, I observed one thing, namely, that the builders dressed the outer face of the stones constituting the columns; but the inner surfaces were left rough, so that there were gaps of from two to four inches. These gaps they filled with stone chips, and they *must* have overlaid the whole with cement or with mortar. Mr. Aymé, who was with me, was of a contrary opinion; and as the mortar had all disappeared I could not demonstrate the correctness of my inference at the time.

The columns inclose a rectangular space, and the esplanade on which they stand is 214.57 feet in length by 48.23 feet wide. The pyramid faces the west; the stair-way is on the south side.

What was the purpose of this curious structure? Was it a covered gallery? We find no *débris* on the surface of the pyramid. It is the only monument of its kind in all Yucatan, and I doubt if we shall ever discover its secret. If we are ignorant what it means, it is not for the want of conjectures, but it is to be observed that commentators make monuments (as they make authors) say many things they do not mean, and they are ever looking for enigmas, instead of accepting what is plain and easy.

Many extraordinary theories have been offered with regard to the monument we are considering. One author holds it to be commemorative of periods or of reigns. Each of the blocks composing a column would represent a period or a reign; and as there are thirty-six columns, each made up of ten blocks, we have in all three hundred and sixty blocks. And since the mean length of a reign is twenty-two years, the time of laying the first block would be seven thousand nine hundred and twenty years ago at least. Such theories are absurd, and it is much more reasonable to suppose this singular monument to represent a covered gallery designed for games, for meetings, for public or religious ceremonies of whatever kind.

Another singular ruin at Aké is the Akabna,—the "closed house," "house of darkness." It is a vast structure, with remains of dark chambers in which we find, again, the *boveda*, or bastard ogival arch, here constructed of great rough stones, like the pyramids and all the other structures at Aké. Hence, they

have been called Cyclopean, but improperly, for a Cyclopean construction is built of great stones so neatly fitted to one another that, in spite of their irregular shapes, you cannot insert between them the thinnest leaf of paper. The stones employed in constructing the edifices at Aké, on the other hand, are regular in shape, and are separated by considerable spaces. Calling the attention of Mr. Aymé to the rough, ill-joined stones in the *boveda*,—"It is your opinion," I said, "that no cement or mortar was used in the construction of these edifices, and that no sculptured stone or other decoration is to be found here. I hold otherwise on principle, though the facts are as yet with you. The builders of these monuments surely did not expend so much labor on them and then leave them incomplete; either these stones were once perfectly joined, and have since been corroded by time,—on which supposition they would possess an unimaginable antiquity: this is inadmissible, for, as you see, the stones are perfect with their angles and their rounded outlines, just as they were when taken from the quarry; or, on the other hand, these walls and these *bovedas* were originally coated with cement, and painted in the usual way."

"What proofs have you of this?" asked my friend.

I had no reply to make then, but a moment after, as we passed another mound, on which stands the ruin called Xnuc, I proposed that we should examine it.

When we had reached the top, the first thing I saw was a very fine bass-relief in cement, representing rhombs and flattened spheres, after the manner of the Palenque decorations. This bass-relief formed the right side of a large frame surrounding some human figures, of which a few traces still remained. Then, beneath the immense exterior cornice, we found about ten square feet of a coat of cement, which covered the stones, closed the joints, and gave a continuous surface; we even found patches of the paint that had been laid on this layer of cement.

Aké, supposed to belong to another civilization, another race, and to date from a high antiquity, was by this discovery proved to belong to the class of cement-decorated ruins—the class which embraces the more ancient edifices of Tabasco, and certain structures at Labna, and at other places discovered by Stephens. This period I distinguish by the appellation of "cement and dressed-stone epoch," in contradistinction to the more recent

epoch when the architects employed only dressed stone, as at Uxmal.

The finding of the bass-relief, of which I have an excellent sketch, was a source of great encouragement to me, and I was in hopes of discovering other objects of the like kind elsewhere among the ruins. But in vain did I visit the Succuna and divers other nameless pyramids, for I found nothing, save one finely sculptured stone in a building near the palace.

We also found at Aké superposed layers of cement like those found at Tula, Teotihuacan, and in other places.

From the evidence supplied by its architectural style, we infer that Aké antedates Uxmal by a century or more, and that it was one of the earliest products in Yucatan of the Toltec, or, as I would rather call it, the Maya-Toltec civilization.

On the last day of the year I was again in Merida. There I had the good fortune to meet Professor Alexander Agassiz, who was induced to accompany the expedition to Chichen-Itza. *En route* to Chichen we passed the first night at Izamal, and examined the remarkable bass-relief discovered some years ago amid the ruins of the Third Pyramid at that place. The principal subject of this bass-relief represents a crouching tiger with a human head, the whole perfectly modeled. To the left of this figure are seen some curious hieroglyphs. Professor Agassiz admired greatly this work of art. Near Izamal is the terminus of the great ancient highway discovered by me in 1859, extending from Izamal to Cozumel. At Tunkas, a village that was laid waste in 1848, during the revolt of the Indians, we found a military post. The commandant had received orders to place himself and his men at our disposal, so we had an armed escort to Citaz, which place also has a garrison. At last we came in sight of the Palace (or rather Temple) of Chichen-Itza, perched on an elevation of some eighty feet, and our whole company gave a shout of joy. There we decided to take up our quarters, beyond the range of mosquitoes, and defended against the attacks of Indians as well by the situation as by a guard of one hundred soldiers.

I had no apprehension of an attack on the part of the savages; and though our little army was not called on to render any military service, the men were by no means superfluous. All the water required for my *papier-maché* castings—and that was a great deal—had to be fetched from a considerable dis-

tance, and the only vessels we had were glass bottles, for my men had neglected to bring *cantaros.*

At day-break, the morning after my arrival, I set men to work clearing out the buildings preparatory to making casts of the bass-reliefs. At the foot of the stair-way of the north façade we find those great serpent-heads mentioned by Stephens; they closely resemble the two serpent-heads recently discovered in front of the cathedral at Mexico. The two columns that constituted the principal entrance are copies of the shafts that lie in the *plaza* at Tula. In the building known as the "Gymnasium" or the "Tennis-court," we see the same serpent-heads we saw at Teotihuacan. We find, therefore, identity of religion, architecture, ornamentation—the same modes of celebrating the virtues and the glory of the founders of the several states.

This *castillo* (castle), or temple, as I prefer to consider it, stands upon the loftiest pyramid in Chichen. There are stair-ways on all the four sides of the pyramid, and the principal entrance was on the north. The edifice is twenty-five feet high, and nearly two hundred feet square. It consists interiorly of a wide corridor surrounding on three sides—east, south, and west—a fine apartment, fronted by a portico of two columns, opening to the north. The pillars of the atrium and those of the inner door are covered with sculptures in bass-relief representing warriors or priests—the latter, more probably, for no arms are seen. The roof of the apartment is supported on two square pillars, sculptured on all four sides. I have made casts of these pillars, as also of the columns of the door-way and portico.

From the temple we passed to the Gymnasium. Here we made some magnificent casts of columns and of the carved wooden lintels. Of the two chambers of this edifice, one is utterly ruined, but a section of each of the two pillars that upheld the portico is still standing. On their bases, consisting of colossal blocks, are sculptured enormous serpent-heads. The second or inner chamber, described by Stephens, is entire, but the paintings that covered the walls have disappeared, through the vandalism of visitors. The only ornamentation that remains is the sculpture of the door-pillars and the carvings on the lintels.

Underneath the Gymnasium is the famous chamber of which I published photographs years ago. I had no little difficulty in finding it this time, but when I did make my way into it, I was rejoiced to see that its condition was substantially unchanged.

Here I made some three hundred square feet of *papier-maché* casts. The walls of this remarkable chamber are, nearly all over, covered with sculptures representing warriors and symbolic figures. From floor to roof there were five rows of bass-reliefs, one above another. Above each human figure is a hieroglyph, as on the Tizoc Stone in the museum at Mexico.

The largest and most complex edifice in Chichen is the "House of the Nuns," so called. It was probably here that the Spaniards intrenched themselves in their desperate battle with the Mayas. To conceal their flight, they tied a bell to a dog, so that the sound might lead the Indians to think they were on the lookout, and then, under cover of the night, made their escape from certain death. This palace comprises a vast number of chambers, supporting a great terrace, from which rise, in two stories, a number of smaller edifices, access to which is had by means of very steep stair-ways. Further, it is flanked by extensions. On the uppermost story we find above the door-ways stone lintels, covered on their face and on their under side with inscriptions. I have made casts of those of them which were best preserved. In examining this great edifice, we found indubitable evidences to prove that portions of the building were constructed of materials taken from other buildings. The façade belongs to the original structure; but in the walls of the second story are seen sculptured stones laid promiscuously—all, however, exhibiting the same style of ornamentation seen in the older portion.

The palace called Akab-Sib, which lies to the north of the Nuns' House, is a curious structure. It is very large, and consists of a number of chambers surrounding a terrace. There is no stair-way or other mode of access to this terrace, the use of which it is impossible to determine.

Some four hundred feet to the north of the *castillo* we discovered another singular monument. Amid a heap of ruins we there found two of those never-failing serpent-heads, and a large fragment of an enormous statue, the counterpart of Le Plongeon's Chac Mool. This is the fourth statue of this kind, including that of Mexico and that of Tlascala.

Eastward from the *castillo* is seen the curious monument described by Stephens, and which reminds us of the singular structure we saw at Aké. It consists of several hundred columns, a little more than seven feet high, with square capitals. Most of the columns are fallen.

I have now made casts of nearly every monument of interest in Chichen. I deem it unnecessary to pursue any farther this line of research, which can only repeat the results we have already obtained. Accordingly, in the other cities to be explored, we will note only those objects which may be peculiar to them.

On my return to Merida I attended a banquet given in honor of Professor Agassiz and myself. I shall ever bear in grateful remembrance the kindness shown me at Merida by official personages and by private citizens.

We set out for Kabah on the 23d of January, but *en route* staid a few days at Ticul, to explore a few small pyramids, in one of which two years ago were found three graves, with human remains and some articles of pottery. I had excavations made in this mound and in two others, but without result. In the meantime I sent a party to Uxmal, under the direction of Mr. Aymé, to make casts of the inscriptions in the Governor's Palace.

It was February 2d when we reached Kabah, and hardly had we trod the ground about the ruins when I made a discovery of very exceptional importance. I write these notes in a state of veritable intoxication: my joy knows no bounds, for this discovery is the most significant one ever made in American archæology. The question of the American civilization is settled, and I have the satisfaction of knowing that my theory of the modern origin of those civilizations is established beyond dispute.

In the middle apartment of the building called by Stephens Casa No. 2, on the front wall, is seen a design which, by itself alone, tells the whole story. It represents *a horse with its rider.*

Horse and rider are designed after the Indian manner by an inexperienced hand, guided by an overexcited imagination. Yet it is impossible not to recognize both figures. The horse has his trappings; we see the stirrups; the man wears his cuirass. Unfortunately, a portion of the design is missing, and, further, a coat of lime was laid over it all, which I had to remove in part, in order to make a tracing of it.

Now, what is the lesson of this horse and rider? Plainly they tell us that some subject of the *cacique* of Kabah, happening to be in the north of the peninsula, had been witness of a battle between the natives and the Spaniards, or, at least, had seen the new-comers, and, struck with astonishment by so extraordinary a spectacle, had returned to Kabah to recount his adventure to his chief, and to sketch, after the native fashion, the appearance of the conquerors. The proof is absolute that the

cacique was dwelling in his palace, holding there his court, and that the city of Kabah was in full prosperity.

Further, the coat of lime-plaster laid upon the design gives increased importance to this valuable memorial; it proves that the *cacique* of Kabah continued to occupy his palace for some time after the arrival of the Spaniards. Surely, the design would not have been so effaced immediately after it was drawn, and I think it may be inferred that, for years after the coming of the conquerors, the *cacique* of Kabah remained in peaceful possession of his chieftaincy. And the same is to be said of many another city not immediately occupied by the Spaniards.

It is to be regretted that portions of the design are in a very bad condition. Thus the belly of the horse is wanting, as also a portion of the trappings toward the hind quarters. The heads, both of cavalier and of horse, are also effaced.

The palace in which the design is to be seen has its façade still in fair condition, but the sides and the rear are in ruins. The façade comprises seven small chambers with low door-ways, two of which are divided by a little column with a capital. The walls are without ornament below the cornice; the frieze consists of clustered columns in groups of three, separated by a plain wall. It is worthy of note that this frieze rises obliquely above the wall, as we see in buildings at Palenque, instead of being perpendicular, as in most of the monuments in Yucatan. A stair-way supported by a half-arch gave access to the first story.

Kabah must have been a great center of population, if we can judge by the extent of the ruins. Looking out from the top of any of the edifices or any of the pyramids, we see on every side other pyramids and other monuments. Probably in many instances the builders of Kabah fashioned the natural elevations of the locality into pyramids, as was done by the builders of Palenque.

The most remarkable palace here is that called by Stephens Casa No. 1. This must have been the residence of the chief, and, without doubt, it is the most magnificent structure in the Yucatan peninsula. The ornamentation was exceedingly elaborate, and consisted of nine rows of enormous heads set one above the other, and divided into groups of three by cordons of carved stone resembling the richest lace. It were impossible to imagine anything more marvelous, though the ornamentation is carried to excess. The whole reminds me of those gigantic idols

with many heads, one above another, seen in the Sandwich Islands and elsewhere in the Pacific.

Unfortunately, the palace is simply an immense ruin. Perched, like all the edifices of the same character, upon a lofty three-terraced pyramid, it formed an oblong quadrangle, with great chambers opening on all the four sides. In the middle is an elegant little spiral stair-way, leading to the second story. All the lintels in this edifice are of wood, and most of them in good condition; in the other buildings, where the door-ways are narrower, the lintels are of stone.

As for the monstrous heads that constitute the ornamentation of Casa No. 1, and which we see also at Uxmal, Chichen, and elsewhere, though not in such numbers, I wish to point out the absurdity of the appellation bestowed upon them by sundry explorers. These heads have been called mastodons' heads, and it was Waldeck (whose good faith I have always suspected) that first sought, by means of this appellation, to lead astray the public mind. He even went so far as to present, in one of his illustrations of Palenque, a perfect head of an elephant—a thing that never has been seen, nor never will be seen, at Palenque.

In truth, who can recognize in the following description any of the characteristic traits of the head of a mastodon?—Forehead broad and almost square; eyes enormously large; no ears; formidable mouth, which opens across the whole width of the head, displaying the teeth.

I come now to the two bass-reliefs reproduced for us by the great explorer Stephens, the significance of which he, however, failed to perceive. How glad would he have been, could he have understood the language of these two stones—language which cannot be misinterpreted. In short, these two bass-reliefs not only show that the monuments of Kabah are modern, and that these edifices were inhabited at the time of the Conquest, and later, but they furthermore give us a precise date—*the precise date of the edifice to which the bass-reliefs belong.*

The *cacique* of Kabah was a powerful prince in his own country, as is proved by the magnificence of his palaces. He was doubtless suzerain of the neighboring districts, where we find in profusion the remains of buildings; and he was probably the ally of the sovereign of Uxmal, for we can trace the cemented highway which formerly connected the two cities.

Now, at Kabah, as everywhere else, monuments, bass-reliefs,

sculptures commemorate events. The two bass-reliefs of Kabah are of the same class as Tizoc's stone at Mexico, on which the pairs of warriors represent each a victor and a vanquished foe,—*i. e.*, they represent the victories of the Aztecs over the neighboring peoples. What do we see at Kabah? In one of these bass-reliefs we have a man standing, in rich apparel, with an enormous Yucatecan head-dress of plumes. This is the victor, for he commands, he threatens the man kneeling before him. But in the other warrior, who is kneeling, we immediately recognize the Aztec warrior, with his modest head-gear and his scanty costume.

The second bass-relief is more explicit. Here we have the same two men, in the same costumes, and in the same attitudes of victor and suppliant; but we have here additional evidence that the vanquished one is an Aztec, viz.: the fact that he holds in his hands and offers to the victor the Mexican sword, *macana*, fitted with chips of obsidian—a weapon that was exclusively Aztec.

Our two bass-reliefs, therefore, in one of which the Yucatec victor is threatening the vanquished one, and in the other appears to be ordering him to begone, refer to a battle between Yucatecans and Mexicans. They tell of the victory of the former and the defeat of the latter.

Let us consult history on this point—a history which, it is true, has no precise dates, which is full of anachronisms and contradictions, but from which we can elicit a few facts that may be coördinated according to the laws of logic and reason.

We know that the king of Mayapan, during a civil war, wishing to reduce Uxmal, called to his assistance the Aztecs. At that period, one hundred and twenty years before the Conquest, the Aztecs were hardly in a condition to render assistance, having only a short time before freed themselves from the yoke of Atzapotzalco, and the era of their prosperity and of their conquests did not come till later. We may, however, accept the fact as true, for the presence of the Aztecs in Yucatan is indisputable, and probably it was they who introduced human sacrifices into the peninsula. These Aztecs settled at Mascanu, but later they were driven out of the country. Here, then, are two facts that will serve to explain the bass-reliefs of Kabah.

Either, then, the prince of Kabah, as the ally of the sovereign of Uxmal, won a victory over the king of Mayapan and his Aztec

allies, and in that case the monument in question would date from the year 1410 at the earliest; or the prince of Kabah took part in a national war against the Aztecs alone, and had assisted in expelling them for good: on this supposition the monument containing the bass-reliefs would be more recent still, and would date from between 1440 and 1460. In either case, the palace would be of modern date. And inasmuch as all the palaces in Yucatan resemble one another, were erected by one race, are the product of the same architectonic inspiration, and are similar in their style, ornamentation, paintings, and sculptures, it follows that when we know the date of one we know the date of all. It is time, therefore, that an end should be made of the absurd claims of high antiquity made for these remarkable monuments of indigenous American civilization.

DÉSIRÉ CHARNAY.

NOTE.—Mr. Charnay writes from Merida, under date of February 9, that he designed in a few days to set out for the unexplored country of the Lacandones—a region which probably abounds in ruins. No news will be received of him from that remote quarter till May.—EDITOR.

BOURBONISM IN VIRGINIA.

SENATOR JOHNSTON, of Virginia, contributed an article to the February number of this journal upon "Repudiation in Virginia." Those familiar with the senator's campaign speeches recognize in it an old acquaintance.

It is one of a large lot of painted Bourbon balloons exhibited by Bourbon peddlers at our last political State fair, for which no purchasers were found, and which are now taken elsewhere for a market, in damaged condition. The excellence of these articles is extolled by those who take them from place to place, with all the seductive mellifluousness of the native Italian who originated this class of business, and, like the genuine Macaroni, they carry concealed stilettos in their belts, ready for dark work when the nights close in.

Senator Johnston's arraignment of the Republican party for affiliation with Virginia Re-adjusters is based upon its supposed lapse from financial virtue. Had the Democratic party effected this coalition with the Re-adjusters, as it sought to do in 1880, by an equal division of the electoral ticket of Virginia with Re-adjuster electors, no such foul suggestion could have been brought against it; for it has no bright consistent debt-paying record; it has enacted no legislation; it has given no pledges in the past interfering now or heretofore with any "bastard" combinations it may make with Greenback heresies, with Horace Greeley crazes, or stark repudiation. Nobody would be surprised, nobody would complain, if modern Bourbonism made any combination, honest or dishonest, to extricate itself from the mud in which it finds itself under the leaderless, temporizing policy it has pursued for seventeen years. It has had but one principle and no leader in all these years,—that principle expressed in Pope's lines:

> "Get place and wealth, if possible with grace,
> If not, by *any* means get wealth and place."

From Bayard, the Copper-head, to Greeley, the John Brown-ite; from free trade to protection; from penurious parsimony in appropriations to a pension bill that rains Federal money in showers upon the just and the unjust alike; from gold to green-backs, from greenbacks to gold, as the one or the other seemed most popular, it has vibrated back and forth until it is "Something, nothing; 'twas mine, 'tis his, and has been slave to thousands."

The logic of Senator Johnston's argument, if logic it may be called, is that because the Republican party, in order to break up Bourbonism in the South, ignored the Virginia debt issue as local, and inferior to other issues, and aided the liberal party, it became inoculated with repudiation. Good people, according to the senator's logic, will be woven into that famous Bourbon shirt of Nessus, upon a Democratic loom, slipped over the bare shoulders of Republicanism, and finally tickle or scratch Republicanism to death.

This proposed shirt-factory of the senator will prove a failure. His ignorance of the fallacy in his argument springs from the fact that he does not represent a manufacturing community, else he would have known that the warp and woof of Bourbon Democracy has for years been so essentially rotten that its loom can produce no shirting of a texture that will hold, even with the "body" given it by the "good" people who leave the Republican party.

Men do not seek the horse-pond to quench their thirst because they find a frog in the spring. No more will the debt-paying element of the Republican party seek the muddied and trampled waters of latter-day Democracy, because one little toad is found paddling about in the pure waters of the fountain-head. If it be found, indeed, to be a noxious reptile, it is easier to fish it out and wait for the waters to settle again than attempt the hopeless task of purifying the stagnant, troubled pool below.

There is a fitness of things in the holy horror displayed by Senator Johnston at the idea of a "coalition." He delights in lecturing the "breed of bastard Republicans, the progeny of Federal patronage and repudiation, who have deserted the Democratic party, and yet say they have not gone to the Republicans." This lecture against "coalition," from Senator Johnston, *man*, is as appropriate as the lecture upon debt-paying by Senator Johnston, *Democrat*.

His political career began in "coalition." He, with half a dozen associate bolters, abandoned the Democratic caucus, united with the Whigs, and by a "coalition" elected Hon. R. M. T. Hunter to the United States Senate. Later in life, by a "coalition" between liberal Republicans and Democrats, under the name of "True Republicans," Senator Johnston was elected senator from Virginia, illustrating in his own person what is in truth the greatest danger of all "coalitions," that they are apt to select negative men as their representatives, because positive and strong men have previously become obnoxious to one or another element of coalition.

Verily, Senator Johnston, when he launches upon this jeremiad anent coalitions, shows that in forgetting the past he is not a Bourbon, unless, with characteristic Bourbon vanity, he believes that

> "That which would appear offense in us
> His countenance, like richest alchemy,
> Converts to virtue and to worthiness."

The same may be said of every argument in that essay upon the debt question.

It is not true that any settlement of the Virginia debt question made since the war has been procured by, or through, or with the assent of, the creditors of the State.

The first effort at a settlement, in 1871, was purely *ex parte*. No representative of any creditors appeared. No creditor was consulted. The legislature which passed the funding bill of 1871 was not elected with reference to the settlement of the debt. Vital measures affecting the reorganization of the State, after her long bondage under military rule,—measures looking to the restoration of her autonomy as a State in the Union,—engrossed public attention to such an extent that the debt question had no place in the minds of the people.

Why should the debt question have been prominent? The very constitution under which we sought to regain our sovereignty contemplated "adjusting, with the State of West Virginia, the proportion of the public debt of Virginia proper to be borne by the States of Virginia and West Virginia."

In the opinion of many eminent lawyers, adjusting with West Virginia the proportion of West Virginia was a condition precedent to any power to provide for payment of our proportion, and the legislature acted "*ultra vires*" in enacting any law providing for paying anything until the adjustment "*inter partes*" had

been made with West Virginia. To-day, one of the strongest pleas of West Virginia against having any treaty with Virginia is that Virginia has slammed the door in her face, and arbitrarily assumed a proportion of the debt as due by her, without giving her any voice in the matter.

A legislature never elected to settle the debt assembled in Richmond in 1870–71. It was not composed of men wise or experienced. The then governor, partner of Senator Johnston in the "True Republican" coalition, was a stranger to the domestic affairs of the State.

A band of brokers organized a lobby to pass a debt-funding bill. The governor's message as to the debts and taxable values of the State, ignoring the emancipation of slaves and destruction by war, overstated the taxable values by nearly $400,000,000, as the first assessment proved. The legislature, partly in ignorance, and, if common belief goes for aught, partly under influence of money, adopted a funding bill which, while it nominally set apart one-third of the State debt to West Virginia, so computed and compounded interest during the whole period of war and reconstruction as to make the debt $45,000,000; and new Virginia assume $30,000,000, an amount equal to the entire debt of the old State ten years before, regardless of the interest which the State had paid during the war period. The bonds given for this indebtedness were provided with tax-receivable coupons, self-collecting, as Senator Johnston describes them. The annual interest aggregated $1,800,000. This was, of course, more than the State could pay upon the then rate of taxation when her true taxable values were ascertained. Her ability to do so had been calculated upon false estimates of values. Her revenue proved to be but about $2,600,000, of which $1,000,000 was necessary to conduct the government, and twenty per cent. was, by the mandate of the constitution, specifically levied for the benefit of, and appropriated to, the maintenance of the public-school system.

This funding bill, passed without consulting either West Virginia or any creditor, setting aside arbitrarily one-third the debt, and forever debarring any one refusing to accept it from a penny of interest thereafter, was as stark repudiation as any legislation since enacted, according to the logic of Senator Johnston. If it had been honestly carried out and the obligations met, they would have been not knaves but fools; for they incurred the odium of repudiation without reaping the benefits.

But the funding-bill lobbyist was no fool. He knew it could not be carried out. Immediately after its passage, with a great rush, these holders of Virginia bonds, to the amount of $30,000,000, came forward, funded them, received $20,000,000 tax-receivable coupon bonds and $10,000,000 West Virginia certificates. The annual interest on these funded bonds was now $1,200,000, which, being utilized for taxes already, left not enough money to pay the free schools and conduct the government. When the legislature next met, $15,000,000 of ante-bellum debt and interest remained unfunded. The speculator had rushed forward. Absentees, persons under disabilities, trust funds, court funds, infants' estates, all slow-moving holders, the most meritorious class of creditors, had not yet availed themselves of the act.

What then happened?

The identical lobby that with appeals for honor and honesty had procured the bill, re-assembled, demanded and procured its repeal, stopped the funding, and enhanced the value of their bonds twofold at the sacrifice of those entitled to share equally with them.

Thus a debt that had theretofore been homogeneous was divided into classes, between which gross discrimination was made.

The funded bond-holders used their tax-receivable coupons to the extent of $12,000,000. The State expenses consumed $1,000,000. What was left was insufficient to maintain the schools, although levied specifically for that purpose. Not only was nothing left to pay the interest on unfunded bonds, but the tax-receivable coupons robbed the school fund every year.

This outrageous act of discrimination, this barefaced preference, which, if done by a tradesman, would have been sufficient to throw him into bankruptcy, was done by Senator Johnston's party, and he sanctioned it by accepting a second election as senator.

He talks of repudiation as if he were not a repudiationist, twice refined. He talks of the obligations assumed by the original funding bill as if he had not been twice a party, directly or indirectly, to a violation of the letter and the spirit of that act.

But one way remained to meet the debt assumed by the funding act of 1871, and that was to increase taxation.

Did the Bourbon party, did Senator Johnston, favor an increase of taxation? They did not. They do not.

This is an extract from his platform in 1877:

"*Resolved*, by the conservative party of Virginia in convention assembled, that, while the conservative party, true to the past glorious history of Virginia, and proud of her good name and fame amongst the nations of the earth, would scorn to repudiate her just obligations, and are resolved to preserve inviolate the public faith and credit, *yet* we cannot but view with concern and anxiety the accumulation of our financial difficulties and the increasing weight of our public debt. *Therefore we earnestly urge upon the legislative and executive* branches of the government *the importance of using all just and honorable means of bringing* about an adjustment of the obligations of the commonwealth which will bring *the payment of interest upon our entire indebtedness within the resources of the State derived from the present rate of taxation*, and do equal justice to all classes of our creditors."

This declaration—made at a time when five years' interest on the unfunded debt had accumulated, and the tax-receivable coupons had intercepted over $1,000,000 of money collected for free schools; at a time when these coupons so curtailed the revenue that our jails were filled with lunatics, because the asylums could not obtain the money due them by appropriations, and our colleges were nearly bankrupt, by reason of the non-payment of interest on their endowment funds—was claimed at the time and has since been re-affirmed as a pledge by Senator Johnston's party not to increase the rate of taxation.

He applauds, as a debt-payer, Major John W. Daniel, when Mr. Daniel ran upon a platform, in 1881, prepared by Senator Johnston and others, which declared that "we condemn repudiation in every shape and form as a blot on her honor, a blow at her permanent welfare, and an obstacle to her progress in wealth, influence, and power," and in the next breath, in the face of the funding bill so sacredly mentioned by Senator Johnston, "the conservative Democratic party pledges itself, as a part of its policy, not to increase the present rate of taxation."

Senator Johnston knows that it is as much repudiation to promise to pay a debt, and pledge oneself not to levy a tax to pay it, as to refuse to acknowledge it at all. The latter course is the more manly. If the latter be a Baron Trent robber, the former is a St. Giles thief. This species of honor is of the Aminadab Sleek order, which acknowledges the moral obligation to pay, but adds with nasal whine that, "physically, alas! it is an impossibility."

But they contend that the McCulloch bill obviated these difficulties. Senator Johnston, directly or by argument, seeks to exculpate his party from the charge of repudiation by leaving the impression—

First.—That the abatement in interest made by the McCulloch bill was with the consent of Virginia's creditors.

Second.—That the abatement would have brought the current obligations within the current revenues if the bill had been carried out.

Facts contradict both positions.

The McCulloch bill was a broker's scheme prepared in Wall street. When its propounders presented it to a committee of the legislature, they were asked if they appeared as representatives of the creditors. They replied in the negative emphatically, adding that the bonds owned, controlled, or represented by their syndicate did not aggregate $100,000. Virginia, under resolutions of her legislature, had advertised all over the world inviting her creditors to come forward for conference and coöperate for compromise. The result was like the famous story told by Oliver Wendell Holmes in his "Autocrat of the Breakfast Table." A visionary person conceived the idea that at a given moment, on a given day, every man, woman, and child in the world should scream "Boo!" to see how great a noise would be made. The word went out. The hour, the moment, arrived. The world was so upon tiptoe with curiosity to hear the noise that everybody forgot to say "Boo!" until it was too late, except one old woman in the Sandwich Islands, who was too deaf to hope to hear. So of the voluntary debt settlement. Placarding the world produced one response, from an old lady with $500 of the bonds, who said she was willing to do "whatever the others did." The remaining holders of $29,999,500 did not appear.

When, therefore, the proponents of the McCulloch bill came forward, it was hoped they represented some considerable element of the creditors. They honestly repudiated any representative characters, and the preamble of their bill negatives every pretension to the contrary, made or suggested, by Senator Johnston. It reads:

"Whereas, it is believed by the General Assembly of Virginia that the rate of interest heretofore agreed to be paid by the State on the public debt is greater than can be borne *without destroying the industrial interests of the State;* and, whereas, the Council of Foreign Bond-holders of London, England, and the Funding Association of the United States of America, limited, have, in view of this belief, expressed their willingness *to jointly endeavor to obtain the consent of the creditors to an abatement in the rate of interest, etc.*"

This is the only suggestion of the creditor's consent. It was not his consent. It was an agreement of third persons to endeavor to obtain his consent. It was worse than that. It was a covert way, under pretense of authorizing this syndicate to obtain his consent, of placing in their hands powers of coercing him and enriching themselves without benefit to the State.

The measure was in keeping with every other false pretense of honor upon the debt question which has marked the career of Bourbonism, and invested the brokers' syndicate with greater powers of force and depreciation than any contained in the Riddleberger bill.

True, it created bonds bearing a lower rate of interest than six per cent., to wit, three per cent. for ten years, four per cent. for twenty years, and five per cent. for ten years—an average of four per cent. But the coupons were still tax-receivable and the bonds exempt from taxation, which atoned for any falling off in the rate.

It absolutely repudiated one-half of all interest then due upon unfunded bonds, and, further, discriminated in favor of funded bonds by allowing only one unfunded bond to be converted along with two funded bonds. It made every holder of bonds present them through the syndicate and pay it a commission, although he might prefer to attend to his own business with the State auditor. It attempted an irrepealable contract with the syndicate; and, finally, it provided that, whenever the amount of money in the treasury was insufficient to meet accruing interest, the auditor might issue non-interest bearing certificates, and sell at not less than seventy-five cents, the same to be receivable in taxes, thus subjecting the State to a shaving process of thirty-three per cent. per annum on thrice-compounded interest.

This bill was passed. The syndicate at once began its "persuasions" upon the bond-holders. These persuasions consisted at once in making "a corner" in funded bonds, so that the holder of unfunded bonds must pay the syndicate's own price to get two of those to fund with his. If he was too poor to pay two hundred dollars to get the use of his one hundred dollars, he had to sell, and the syndicate was ready to buy at its own price. Unfunded bonds went down. Funded bonds went up. The poor people of Virginia who held the unfunded debt learned, at a high price, the power of aggregated capital. Few could

afford to "match" by buying two for one, and they, for the most part, sold at twenty-three to twenty-four cents on their principal, and ten cents on their arrears of interest. The syndicate, or its friends, bought and funded—let us see: a one hundred dollar bond, with eight years and three months' interest, bought at twenty-four dollars for principal and five dollars of interest, could be taken to the capital with three hundred and fifty dollars of funded bonds. A new bond issued for the one hundred and fifty dollars thus presented was worth, immediately, seventy-five dollars—a clear gain of forty-six dollars on an investment of twenty-nine dollars to the purchaser.

These are but a few of the hundred hardships wrought upon the worthiest and, really, the helpless class of Virginia's creditors by the operations of this McCulloch bill.

It enacted repudiation in terms, and it furnished means of effecting confiscation in the most evasive and insidious form, not for the benefit of the State or the relief of her people from debt, but for the behoof of a band of brokers bent solely upon a money-making scheme. Can any one deny, upon comparing the McCulloch and Riddleberger bills, that their difference, from Senator Johnston's stand-point, is not in principal, but in per cent.?

Senator Johnston's party passed this law. He advocated it through the length and breadth of the State. The people repudiated it at the polls, and him in the legislature, because he was a repudiationist, and now he, in turn, denounces his State as dishonest and his people as repudiationists. The world may judge how much of his argument springs from sincerity and conviction, how much from political disappointment and defeat.

In 1879, the Re-adjuster party triumphed, and the Bourbon party, with its McCulloch scheme, fell to the ground, because it had lived upon false pretenses, force, and fraud.

This article is too long already to go into the figures demonstrating the falsehood of the claim that the McCulloch bill could have been carried out without an increase of taxation. The argument was based upon false estimates as to the outstanding debts, as to the incoming revenue, as to the value of taxables, as to every item of the account. The canvass of 1879 was conducted upon the pretense that on January 1, 1880, a large surplus would be in the treasury. When the Re-adjusters, after their victory, entered upon the duties of the Finance department, they found nothing in the treasury. They found a great mass

of the proposed McCulloch tax-receivable certificates ready for issue. They were forced to borrow money to run the government. Neglect marked every feature of the administration. Half a million of money, due by defaulting treasurers, was uncollected and unsued for. Over $1,500,000 had been diverted from the schools. The schools and scholars had dwindled to less than half their number when the system was organized, and the school term was greatly shortened. The charitable institutions of the State were on the verge of bankruptcy. The jails of the State were filled with helpless lunatics, because the asylums had become too poor to receive them; apathy, inefficiency, imbecility, marked the conduct of every department of the government, and it was drifting rapidly to hopeless and helpless bankruptcy, under the rule of a party that lacked capacity for everything save the high-sounding braggadocio of which specimens are here quoted.

Senator Johnston says "this law was not compulsory." It provided, in terms, that no interest should be paid to any holder of Virginia securities unless and until he came forward and funded under its provisions. The Riddleberger bill copies this language word for word, and this is the much-abused force feature. In answer to the honorable senator's statement that "the bill" makes a "willfully false statement in regard to interest," I append to this paper an account which forms a part of the preamble to the Riddleberger bill, and challenge Senator Johnston, with the aid of any capable accountant, to alter a figure it contains. This account, and the action of the Re-adjusters in beginning to pay it, constitute the best evidence on the question of who are the debt-payers in Virginia.

The conservative Democratic party, as it delights to call itself, had been as false in its professions touching the negro and the elective franchise as it had been concerning the debt and the schools. By a system of trickery, through disqualifications for petty offenses, and requiring the payment of a head-tax as a prerequisite to voting, and using every means to prevent its payment, they had virtually disfranchised the negro, and by a system of frauds in the counting and certifying of returns they had guarded against any accidents resulting from his casting a vote. The system was too complete to require any violence. Science in this, as in other perfected systems, had overcome friction.

The people of Virginia are an honest people, however much they may be traduced. They abhor fraud and punic faith. They are a simple and confiding people, and were long led in paths whose deviousness they did not know, but when they realized that they had been made the dupes of the Bourbons, they rose in their majesty and hurled their oppressors to the earth. It was a day of wrath when their eyes were opened; and the political coast of Virginia is strewn with wrecks, from the "tall admiral" who undertakes the championship of a State's honor he has done so much to injure, to the petty fishing-smack of the cross-roads politician.

The Riddleberger bill speaks for itself. The reasons for every enactment it contains are given in its preamble. Space forbids a discussion of its details. Suffice it to say that the people who have enacted it believe that it makes liberal provision for the payment of every dollar of principal and interest justly due by the people of the State, and restores equality among creditors who were originally on the same footing, in favor of some of whom, and against others of whom, gross and unpardonable discriminations have been made under Bourbon rule. Senator Johnston's party feels no repugnance to the advocates of the Riddleberger bill, for, at the moment his article was in press, and from that time to the present, it has voted solidly for a leader who holds to the North Carolina theory of debt settlement, and in the last campaign placed the author of the Barbour bill second on its ticket as a compromise between debt-paying pretension and pronounced repudiation as expounded by the late Governor Vance. Virginia occupies an exceptional and anomalous position. No other State in the Union was dismembered. No other State suffered one-half the losses she sustained. Out of these grew equities and embarrassments to which no other State in the South can lay claim. She has, in the Riddleberger bill, provided for the payment of a larger per centum of her indebtedness than any other Southern State. Yet has Virginia been subjected to hypocritical aspersion by men who cover their own outrageous repudiation by diverting the public mind to her with their wild cries, until the country will, in the end, be made to believe that she who has done most to meet her honest debt is really the laggard and defaulter.

It is not the first time old Virginia has been made the scape-goat by her Southern sisters, and her people are beginning

to realize the fact. The bitterness of her former allies and the kindness of her former foes work their effects. She is beginning to learn that she is not the hewer of wood and drawer of water in peace, and the bulwark in war, for ingrates and false pretenders. She is beginning to look elsewhere for alliances, and to realize that she cannot thrive chained to the rotting corpse of obsolete ideas. She begins to realize that a great revolution has swept over America; that with it came new ideas, change—social, moral, and political; that unless she adapts herself to existing conditions of affairs, she will soon lapse into oblivion and insignificance even greater than she experienced under Bourbon rule. Under Re-adjuster rule she has aroused herself. Her schools have increased from two thousand four hundred and ninety-one to over five thousand; her scholars from one hundred and eight thousand and seventy-four to two hundred and twenty thousand seven hundred and thirty-six; her school term from three to five months. The funds diverted have been partially restored, and normal institutes are being founded. Defaulters have been made to disgorge. The eleemosynary institutions have been once more put upon their feet. The schools and colleges have been paid what was due them. Reforms and curtailments have been made in the management of her public institutions. The debt question meets prompt settlement. Manhood suffrage has been restored, with recognized constitutional qualifications. Population and capital are attracted. Railroads are built. New industries spring up. Mines are opened. Manufactories are started. Vigor, thrift, and industry are seen everywhere. Virginia is awake and alert. She begins a new career, not only materially, but in thought and action. Our people to-day are as little wedded to any old idea merely because it is old, as the people of New York City, and as susceptible to the influence of reason and kindness as any upon the earth. There is a class, small and growing smaller, which never learns, and never forgets, reminding one of the nursery song:

> "There was an old owl that lived in the wood,
> Wisky, wasky, weezle,
> And the only tune that he could sing was
> Fiddle, faddle, feedle."

Who represent that type of Virginia manhood, history will one day record.

In my opinion, the people of Virginia have reached that state of mind that Democracy has no preëmption upon their allegiance, and Republicanism excites no terrors in their breasts. In the coming national contest they will cast aside the blind servitude of the past, and ally themselves with that party whose candidate is the best man and whose platform strikes them as best embodying their true interests. If, perchance, Virginia becomes a Republican State, it will be because Bourbonism waked her up to a sense of its loathsomeness, and "ye ancient Bourbon" will doubtless take his flight forever to realms of bliss, croaking with his expiring groan, "bastard." Yet English history records that the bastard was, more than once, the hope and stay of the declining monarch when the sunshine pets of legitimacy had fled as cravens.

H. H. RIDDLEBERGER.

A STATEMENT OF THE PUBLIC DEBT OF VIRGINIA.

Principal outstanding at this date.		*Interest.*	*Principal.*
1861, January 1.			
Sterling debt, bearing five per cent. interest	$1,973,000.00		
Dollar debt, bearing six per cent. interest	29,533,582.90		
Debt guaranteed, bearing six per cent. interest	294,130.00		
Total principal			$31,800,712.90
Interest.			
Past due and uncalled for at this date	$101,023.63		
Maturing at this date, January 1, 1861	944,156.38		
Total interest		$1,045,183.01	
1863, July 1.			
The State of West Virginia was formally admitted into the Union June 20, 1863. The property and resources of Virginia, upon which the above debt has been founded, were, by this partition of the old State, reduced—one-third of her territory and one-fifth of her population going to form West Virginia. This, and the consequences of war to her and her people, made a loss of full $500,000,000 of property, and her taxable values were reduced from $723,000,000 to $336,000,000, and her annual revenues from over $4,000,000 to $2,500,000.			
Principal, July 1, 1863.			
Sterling debt, bearing five per cent. interest	$1,973,000.00		
Dollar debt, bearing six per cent. interest	29,827,712.90		
Bonds issued since January 1, 1861, in discharge of debts contracted and appropriations made prior to that date	1,340,500.02		
Total principal, July 1, 1863			$33,141,212.91

Interest July 1, 1863.		*Interest.*	*Principal.*
Past due January 1, 1861, and still uncalled for	$1,045,183.01		
Accrued between January 1, 1861, and July 1, 1863, inclusive	4,909,533.07		
Total interest to July 1, 1863, inclusive		$5,954,716.08	

1863, July 1.

Two-thirds of the above debt, principal and interest, to this date is assumed as Virginia's equitable portion, in consideration of the partition of her territory, population, and resources, upon the well-established principle that debt in such cases follows territory. Upon that basis, Virginia's portion of the debt of the entire State is—

Principal.

Two-thirds of $1,973,000 sterling debt	$1,315,333.34		
Two-thirds of $31,168,212.92 dollar debt	20,778,808.62		
Total principal, two-thirds, to July, 1863, inclusive			$22,094,141.96

Interest.

Two-thirds of $5,954,716.08 accrued to date, inclusive	$3,969,810.72		
Less amount of interest paid by Virginia since January 1, 1861, exclusively out of revenues of the present State of Virginia, the territory and resources of West Virginia being inaccessible during that period, and contributing nothing thereto	3,662,434.55		
Balance of interest due and unpaid July 1, 1863		$307,376.17	

1871, July 1.

Principal due July 1, 1863, in sterling bonds as above	$1,315,333.34		
Principal due July 1, 1863, in dollar bonds as above	$20,778,808.62		
Less amount of dollar bonds redeemed between July 1, 1863, and this date	3,710,449.67		
Total dollar bonds	17,068,358.95		
Total principal			$18,383,692.29

Interest from July 1, 1863, *to July* 1, 1871, *inclusive.*

On $1,315,333.34 sterling bonds at five per cent	$526,133.28		
On $20,778,808.62 dollar bonds at six per cent	9,973,828.14		
	$10,499,961.42		
Less amount covering average time of the redemption of the $3,710,449.67 dollar bonds redeemed	$445,257.58		
Less amount paid in money during that period—July 1, 1863, to July 1, 1871, inclusive	3,594,289.11		
	4,039,546.69		
	$6,460,414.73		
To which add balance on account of interest to July 1, 1863, as above	307,376.17		
Total interest to July 1, 1871		$6,767,790.90	

	Principal.		*Interest.*	*Principal.*
1879, July 1.				
Sterling bonds, as above	$1,315,333.34			
Canceled by Sinking Fund Commissioners in Dec. 1879. Less bonds redeemed between July 1, 1871, and this date	42,175.77			
Total		$1,273,157.57		
Dollar bonds, as above	$17,068,358.95			
Less bonds redeemed between July 1, 1871, and this date	1,498,482.35			
Total		15,569,876.60		
Total of both classes of bonds				$16,843,034.17
Interest from July 1, 1871, to July 1, 1879, inclusive.				
Eight years. On $1,315,333.34 sterling bonds at five per cent	$526,133.34			
On 17,068,358.95 dollar bonds at six per cent	7,763,804.28			
Total to July 1		$8,289,937.62		
1882, July 1.				
Three years. Interest on $1,273,157.57 sterling at five per cent	$180,981.62			
Interest on $15,569,876.60 dollars at six per cent	2,802,578.79			
Total from July 1, 1879, to July 1, 1882		2,983,560.41		
		$11,273,498.03		
Add interest accrued to July 1, 1871, as above		6,767,790.90		
Total		$18,041,288.93		
Less amount paid between July 1, 1871, and October 1, 1881—in money	$2,415,973.56			
In coupons	8,707,615.50			
Less amount covering average time of the redemption of the $1,540,658.12 redeemed	331,800.00			
Less tax-receivable coupons outstanding October 1, 1881, and to be paid as part of the floating debt	895,722.00			
Less tax-receivable coupons maturing in January and July, 1882	1,117,724.87			
Amount of interest (special).				
Redeemed and canceled	380,110.02			
Total deductions		13,848,945.95		
Balance of interest to July 1, 1882			$4,192,342.98	
Total debt to July 1, 1882.				
Principal, as above				$16,843,034.17
Interest, as above				4,192,342.98
Total				$21,035,377.15

Including bonds held by the literary fund to the amount of $1,428,245.25, and interest on the same—in arrears July 1, 1881, $516,322.19—and interest added from that date to July 1, 1882, $85,694.71, making $602,016.90 included in the above sum of $4,192,342.98.

Total debt	$21,035,377.15

THE

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Tros Tyriusque mihi nullo discrimine agetur.

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ART.		PAGE.
I.	PARTY SCHISMS AND FUTURE PROBLEMS. By CARL SCHURZ.	431
II.	DAYS WITH LONGFELLOW. By SAMUEL WARD.	456
III.	WHAT DOES REVELATION REVEAL? By ELIZABETH STUART PHELPS.	467
IV.	THE NAVY. By HENRY H. GORRINGE, Lieutenant-Commander United States Navy.	486
V.	CONVERSATIONS WITH A SOLITARY. Part I. By W. H. MALLOCK.	507
VI.	THE SPENT BULLET. By GAIL HAMILTON.	525

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NORTH AMERICAN REVIEW.

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MAY, 1882.

PARTY SCHISMS AND FUTURE PROBLEMS.

OUR two great political parties are at present in a peculiar condition. The quarrels of factions within them are much fiercer than the contests between them. This observation applies to both of them alike. The State of New York furnishes in this respect a striking example. The Republicans are divided into "Stalwarts" and "Half-breeds," and their hostility to one another is far more virulent than the hostility of either toward the "common enemy," the Democrats. Nor does it confine itself to mere words. In many local elections neither of these factions hesitated to "knife" the other, thus throwing the victory into the hands of the Democrats. In the Democratic camp, the quarrel between Tammany and anti-Tammany is carried on in the same spirit, with all the bitterness of a family war. Rather than yield to the other faction an advantage, each appears willing to risk the defeat of the party. Coalitions between divisions of the Republicans and of the Democrats for such purposes are of common occurrence. Of course, there are many men in the Republican as well as in the Democratic ranks who still have the interests of their parties at large sufficiently at heart to sacrifice personal feeling. But the factionists are frequently strong enough to turn the scale in a given contest. In Pennsylvania we observe similar things. That section of the Republican party which, for the sake of convenience, may be designated as

the Grant-Republicans, under the leadership of Mr. Cameron, is bound to maintain its ascendancy at any risk. Its opponents, or at least many thousands of them, will run the chance of a Democratic victory for the purpose of defeating it. In several of the Southern States, the Democratic party is distracted by an equally bitter struggle between the "Bourbons" and the "Independents." The latter have, in several instances, shown themselves willing to coalesce with the Republicans in order to defeat the former. In Virginia such a coalition has already been successful, and in other Southern States similar things are among the probabilities. We will not go here into an elaborate discussion of the various Republican and Democratic factions as to their relative merits. In some places they divide upon public questions, with real or pretended sincerity. In others, the quarrels are of a more personal nature. We desire only to point out the fact that these divisions and faction-fights are going on, and seem to spread and grow in extent and bitterness. There are but few, if any, States entirely free from them.

Family quarrels within political parties have happened before, but they would now scarcely be carried to the length of systematically endangering party success were the parties themselves still, as such, engaged in contests about well-defined public questions and objects appealing with sufficient power to the minds of their members to keep alive the ordinary feeling of party allegiance and loyalty. But this is evidently not the case. The spirit of faction owes its growth, in great part, to the gradual disappearance of the issues which originally divided the parties, or which subsequently sprung up and became important enough to keep the lines of division distinct. The questions immediately connected with the civil war are virtually disposed of. Nobody believes that the Union is still in danger. The few persons in the South who still dream or speak of a revival of the "lost cause" are either mere pretenders in childish quest of notoriety, or they are so far behind the progress of public sentiment that they have become objects of curiosity. Slavery is dead, and no sane person thinks of the possibility of its resurrection. The attempts to deprive the colored people of their political rights, which appeared formidable, and were really troublesome for some time after the civil war, have given way to constantly growing efforts of political parties and their divisions

to conciliate and win over the colored vote. The acts of brutality by which some time ago, in several Southern States, the negro voters were terrorized, were first superseded by the adoption of those more inoffensive tricks of falsifying the ballot-box not unknown in some Northern communities; and there is now a strong sentiment springing up in the South bent upon putting an end to these practices also. The disturbances of the public peace in the South which, for several years, had a disquieting effect upon the Northern mind, are fast yielding to an eager desire for good order and for the friendly coöperation of Northern capital and enterprise in developing Southern prosperity. The "solid South," as a dangerous political power, is rapidly losing, or has already lost, its terrors in consequence of the evident tendency of political forces in that section to divide, and thus to be solid no more. In one word, while the South may not in all respects be what it ought to be, or what the people of the North desire it to be, its condition has so greatly improved, and its development is so clearly in the right direction, that it can no longer inspire any serious apprehension. The Southern question is, therefore, practically eliminated from our party contests. This became very evident to every candid observer already in the presidential election of 1880, when the attempt of a Republican leader to make the "solid South" the key-note of the campaign resulted in a most significant failure. In fact, that attempt produced so dismal an effect upon the public mind that, had the election taken place immediately afterward, the majority would, in all probability, have gone against the Republicans. It was abandoned in subsequent discussions for other lines of argument. There is no more political capital in it, and it is not likely to be revived. Thus, the most exciting issue between the two parties is gone.

The old historic question of a centralizing tendency on one and a decentralizing tendency on the other side, or of a strong central power and of local self-government, which the Democratic party, as the advocate of decentralization, was in the habit of advancing as the vital issue of American politics, has also changed so much in some of its most important aspects, that the Democratic party itself would hesitate now to put it forward in the old form. The relation of the central government to the States and the people has been seriously modified during the last fifty years, not only in consequence of the civil war and the

constitutional amendments, or of a change in constitutional doctrine, but through the introduction of new means of communication which have annihilated the distances formerly separating the different parts of the country and their people, and through the creation of a community of enterprise and interest between them which formerly did not exist. The inhabitant of Missouri or even of California, when stepping on board of a railroad train, feels himself nearer to the central government than the inhabitant of central Virginia or of New Jersey did fifty years ago. And the farmer in Nebraska and the stock-raiser in Montana have now as lively an interest in the regulation of railway freight-rates through Ohio and New York as in the first quarter of this century the farmer in Pennsylvania had in the condition of the wagon-road from his farm to the nearest market town. The intercourse of the people of the different States is infinitely more intimate, not only because the increased facilities of locomotion encourage travel, but because the interests of all classes of business pursuits are, in their various relations, constantly overleaping all geographical and political lines of division, and many of those interests feel themselves in closer contact with the national government than with any home authority. The American people have, therefore, become more the people of one great country and less the people of a number of different States, and the central government has become to them, even in the remotest corner of the land, a thing of vastly greater interest and importance than ever before.

This is not the artificial result of a different kind of constitutional teaching, but the natural and inevitable outgrowth of a very essential change of circumstances. And under this change of circumstances we find Democrats in Congress who, perhaps, would still speak with traditional reverence of the resolutions of 1798, and would resent any slighting remark about the old theory of States-rights as something akin to high treason, propose unhesitatingly the regulation of freight-rates through the different States by Federal statute. Moreover, the people of the South—Democrats in political profession—have, in consequence of the losses suffered by them in the civil war, undergone a very serious change of notions as to the power of the Federal Government with regard to internal improvements and the like. They are not only willing, but eager, to yield many of their old political doctrines for their local advantage. The Democratic party is,

therefore, whatever it may pretend to be in theory, yet practically no longer what it formerly was with regard to a strict construction of the constitutional powers of the general Government. On the other hand, the small New England States—Republican in politics—would be just as strenuous with regard to their rights of local self-government, as well as respecting their rights as States in the Union, as any Democratic State in the South ever was. It is their evident interest to be so, for if the equality of the States, as political factors in the Government, were ever called into question, the smallest States would be the most likely to suffer. Thus, while the Democrats of the South may still pretend to be most uncompromising as to the doctrine of States-rights and as opponents of centralization in point of theory and profession, most of them are ready to permit an enlargement of the powers of the Federal Government as it may appear necessary to benefit them locally. And, while the Northern Republicans are insisting upon the national character of the Federal Government, and its competency to deal with questions arising from the results of the war, they would sternly oppose any interference with the rights of local self-government and of their status in the Union, as they have traditionally exercised and enjoyed them But all feel, without having arrived at any clear constitutional definition, that the scope of the powers of the general Government is expanding to adapt itself to that change in the condition of the people which has taken place in the last fifty years, and which could not possibly remain without effect upon the character and working of our institutions. The problems springing from that change are gradually developing themselves. The question what new duties they will impose upon the Federal power has not yet become sufficiently clear to present itself as a distinct issue between political parties, although it is likely to do so some day. Whether the parties, divided by that new issue, will be the Republican and Democratic parties as they exist to-day is very questionable. Certainly, however loudly old distinctions of that kind may, in the traditional way, be re-asserted by politicians in quest of a party cry, they are practically no living and distinct issues between the parties at present.

Neither can the tariff question be looked upon as a strict party issue. It is well remembered that the Democrats, at the opening of the last presidential campaign, made a demonstration in favor

of revenue reform in the direction of free trade. But when they saw that an appeal made on the Republican side in behalf of protection produced a strong effect, they ran away from their own platform. And since that time several of their prominent men have abandoned it altogether, while but few have shown spirit enough to defend it with consistency. It cannot be denied that a large majority of the Republicans are in favor of protection and uphold it as a part of their party creed. But it is also true that there are many friends of a policy tending toward free trade in the Republican ranks, who remained there partly because they considered other questions as of greater immediate importance, or because they saw reason to think that nothing would be gained for it by strengthening the Democratic organization. Thus, the two parties are in this respect more or less divided in themselves. The truth is that, under existing circumstances, the tariff question, however great its importance, does not appeal with sufficient force to the popular mind to take the first place. The resources of the country are so abundant, their development so rapid, and the increase of the national wealth so great under all sorts of customs policy, that the masses of the people have not taken sufficient interest in the latter to subordinate all other questions to it. The interest in the tariff question is, indeed, slowly growing, but it has certainly not yet attained a high degree of temperature. While the protectionists have well-organized and powerful interests at their back, their opponents have nothing but a scattered sentiment to support them, as yet too little concentrated and organized to produce any decisive effect even by the strongest argument. The discussion of the tariff question will, therefore, probably not lead to very important results, as long as the "good times" last. All this may change, and is indeed likely to change, as soon as the next business crisis breaks upon us. The tariff issue did not become prominent during the last period of depression, because then the financial problem seemed to have the closest relation to our economic condition. But when the next comes, the tariff will probably be the only great economic question before the country. Revenue reform will then be apt to present itself to the people in a new light, and to become an exciting topic. But, hazardous as the suggestion may seem, it is very questionable whether its most efficient advocacy will then come from the Democratic or the Republican side, if party groupings remain until then as they are now.

The financial question, involving that of specie payments and of the national debt, has of late years very prominently occupied the popular mind. With regard to it, neither party was entirely harmonious. The Republicans, on the whole, had the great advantage of a clearer perception of the necessity of restoring specie payments, and also of a higher appreciation of our public obligations. At any rate, after the first dissensions were overcome, their attitude became more unequivocal and their action more united. The Democratic party not only committed the fatal blunder of permitting the wild vagaries of the inflation movement to invade its ranks to a considerable extent, but the circumstance that it consisted in large part of those who had been on the disunion side in the civil war subjected it to suspicion as to its good faith with regard to the national debt. The Republicans were thus in a situation to force an issue, which the Democrats, although many of them heartily favored the restoration of specie payments and an honest maintenance of our national faith, were not able to meet. In that issue the confidence of the conservative interests of the country was strongly on the Republican side. But specie payments are restored, and the successful funding operations of the Government, as well as the rapid discharge of the public debt, have stripped whatever there was of a repudiation movement of its force. All that remains of the financial problem is the silver question and that concerning the national banks. As to the former, the two parties are so much divided in themselves that there is no clear issue between them. But it may fairly be said that the two parties represent opposite policies more with regard to the national bank question than anything else, and, in fact, strange as it may seem, the struggles of the past have left this as the most, if not the only, clearly defined line of division between them, although there are many individual Democrats opposed to the abolition of the national banking system. In saying this, we do not mean to assert that there is no other difference of feeling, or sentiment, or political desire, or sympathy more or less vaguely distinguishing them, but that there are scarcely any other distinctly tangible, specific subjects of contention which, by immediate action, one party strives to accomplish and the other to defeat.

That this one question, together with the usual criticism of the conduct of those in power, and of the history of parties and their leading men, may furnish ample ammunition for the discussions of a campaign and for appeals to the popular judgment,

we will not deny. But from the condition of the two parties it is evident that the disappearance of the other great issues has very much weakened the moral element necessary for the bridling of the spirit of faction and the maintenance of that discipline which enforces the subordination of secondary to principal objects. And thus it has become possible that, as set forth at the beginning of this article, the fights of factions within the parties could grow fiercer and more absorbing than the contests between them. We certainly do not mean to assert that the number of men who adhere to their respective parties with warmth of feeling and loyalty is not still very large. This is undoubtedly so, but the factionists are becoming constantly more inclined to coalesce with similar elements on the other side, and the number of men who, without taking much personal interest in any of the warring factions, feel their party allegiance sit lightly upon their shoulders, and who would enter into new combinations, is also growing larger from day to day. And that number is increased by those who are disgusted by the selfishness and demagoguery displayed in the unseemly quarrels within the organizations to which they have been attached. In other words, there seems to be enough of dissatisfaction with the old parties in their own ranks to render their disintegration and the springing up of new formations possible, as soon as a question arises upon which neither of the two old parties is united, and which strongly engages the interest of the popular mind. It would seem to require only some vigorous shock, or the infusion of some new substance, to bring on a new crystallization of those political elements which are at present in a state of chemical solution.

And yet, while we see this among the possibilities, we are far from predicting that it will happen at an early day. It may come suddenly, and it may not come for a considerable period. A new issue of sufficient importance to bring it about cannot be artificially made. It must grow out of a combination of circumstances, the germs of which, although at this moment not yet clearly discernible, may already be developing themselves in the present condition of things, but the growth of which may be slow. At any rate, whether those germs come to light to-morrow or only in one or more years, they will find the popular mind prepared by the condition of the present political organizations to receive them. The period which saw the birth

of the Republican party was in some respects similar to the present. The old parties then existing were in a state of progressive disintegration. Both of them had accepted certain compromises with regard to the slavery question, and there were no clearly defined issues of immediate importance and calling for specific action between them. Both were more or less distracted by factious strife. The Whigs had lost their hold upon the popular mind by their vacillating indecision. Among the Democrats, the lordly assumptions of the Southern wing were causing grave dissensions. The Free-soilers, standing partly aloof, partly still within the old organizations, undermined them both by their appeals to the Northern conscience. Still, before the Nebraska bill was sprung upon the country by a leader of impatient ambition, it looked as if the compromises would endure and the Democrats might count upon a long possession of power. Then the situation changed all of a sudden. A new party, the Republican, came into being, as it were, in a day. The pro-slavery Whigs went to the Democrats, the anti-slavery Whigs became Republicans. Those who were neither one nor the other lingered on as the mere shadow of a party until the civil war broke out. A large accession from the Democratic ranks made the Republicans so strong that in their first presidential campaign they were almost successful, and in their second they achieved a decisive victory.

But in one respect, and that a very important one, the situation then was different from the present. In point of fact, a great conflict had long been going on between slavery and free labor, which became every day more clearly discernible, and of which the people became every day more conscious, although it had not been personified by the two old political parties. It involved not only material interests, but appealed strongly to the moral nature of men. The issues which that conflict was to bring forth had been already defined and expressed by the Abolitionists in a general way, and by the Free-soilers with direct reference to practical questions and political measures. The Free-soilers had made attempts at party organization, without great success, before the repeal of the Missouri compromise. But when, in consequence of that stroke of legislation, the Republican party sprang into being, it adopted substantially the platform of the Free-soilers, and became on a great scale the party which the Free-soilers had designed. The latter had, therefore, distinctly

beforehand marked the issue and blazed the track for the new organization.

There is no such tangible nucleus as a rallying-point for a future movement at present. The Greenback party, if it may be called a party at all, owes its existence to some crude financial schemes which, in a period of business stagnation, were brought forward, partly by well-meaning but immature theorists, partly by demagogues, as an unfailing remedy for hard times. Their fallaciousness has been exposed, not only by argument, but by the evidence of events, and although the Greenback organization still lingers on in a shadowy way, it is manifestly without vitality. The "anti-monopoly" movement is of greater importance. It has seized upon a great problem, which in the future may be destined to occupy popular attention more than it does at present. It might suddenly assume formidable proportions, and become an overshadowing issue in our politics, if the great corporations which control the transporting business should venture upon oppressive measures of extortion. This, however, they are not likely to do. Aside from the general decrease of freight-rates in consequence of the more systematic and economical working of railroad lines, some of the corporations have of late shown rather a tendency to fight one another by warlike competition among themselves, thus incidentally benefiting the public. These wars have also served to accustom the public to lower rates, which the railroad companies would find it difficult to raise again to the old point, and after the composition of their quarrels they will probably be shrewd enough not to provoke the hostility of the people by a policy of reckless selfishness. Moreover, they have, by enforced ingenuity and economy, themselves learned how much cheaper the transportation business can be done. The anti-monopoly movement is thus deprived of the excitement which very stubborn resistance or provoking rapacity on the part of the corporations would give it. It does not always see the danger of weakening itself by exaggerated denunciations and appeals, while, as to the remedies it proposes for the evils which really exist, it is tentatively groping among measures some of which are of uncertain practicability and effectiveness. The experiments already made in some States, upon the impulse given by the granger movement, in the way of legislation, have produced the general impression that the question is by no means so simple as

it appeared at first sight; that it cannot be solved by sweeping legislative strokes, and that more experience and a thorough knowledge of details is required for its intelligent treatment. Efforts in that direction are being made by members of both of the old parties. A new grouping of great parties upon that issue is, therefore, not among the immediate probabilities—unless, as above suggested, the improbable emergency arises of the great corporations making themselves wantonly and provokingly obnoxious.

Neither do the independent movements we observe in several States distinctly foreshadow new party formations on the field of national politics. They are protests against "machine" rule, as in Pennsylvania, or against a narrow-minded and vicious use of party power by factions, as in some of the Southern States, and may result in taking the controlling influence within the old parties from one set of persons to give it to another, or even in permanent defections and eventual transfers of considerable bodies of voters from one of the old parties to the other. In the Southern States, for instance, the Independent Democrats may, in the course of time, find themselves obliged to "fuse" with the Republicans; or a number of citizens may, without any permanent organization, assume an independent attitude with the intention of casting their votes for the candidates of one or the other of the old parties, as the interests of good government may in their opinion suggest, as is the case, to a greater or less extent, in all parts of the country. But, so far as at present can be seen, these movements have not introduced into our national politics new questions calculated to result in a general re-arrangement.

In this respect, then, the situation is practically different from that which gave birth to the new Republican party in 1854. It might, perhaps, be likened to that transition period, in the early part of this century, when the old Republican and the old Federalist parties, passing through an "era of good feeling," drifted into those new groupings which, as the Democratic and the Whig parties, have become historic. But here the parallel is again imperfect in some important points. While, at the beginning of this century, one of the two parties became disintegrated by defeat to the extent of rapidly losing its organization, this is not yet the case with either of those now existing. The two cases are more similar in the gradual

disappearance of the lines of demarkation as to immediate objects of political action, and in the substitution of faction politics for a real party spirit. Each of the two parties at present existing has, in spite of the tendency of disintegration, unquestionably still a strong remnant of that kind of vitality which is inherent in the influence of tradition, the power of organization, and the desire of the ins to remain in, and of the outs to get in. The transition — unless, as above remarked, an important event suddenly produces new crystallizations — may, therefore, possibly be a very gradual and slow one.

Under such circumstances, those who have the cause of good government at heart should carefully consider the question how such a period can be turned to account, and how either one or both of the two existing parties, which, although in a state of progressive disintegration, must be looked upon for the time being as active forces, may still as such do good service in accordance with the peculiar requirements of the times.

The Republican party has been enjoying some peculiar advantages formerly enjoyed by its opponent. When the old Federal party disappeared from the scene, it left the Democratic party for a long period in undisputed possession of the field. This was natural, for the Democratic party, with its ideas of popular government, undoubtedly represented then the political aspirations and attracted to itself the political energies of the American people. It felt itself like a sort of legitimate national dynasty, to which the government of the country of right belonged. The opposition which organized itself in the shape of the old Whig party, was looked upon by it as no better than a mere interloper, a pretender, who tried to wrest from the legitimate ruler the rightful possession of power. This character of the great national party it successfully maintained during the long period from the election of Jefferson down to the civil war, with short interruptions only, the Whigs succeeding in no more than two presidential elections, and each time holding power only for a single administration. The third defeat of the Democratic party, and the civil war following upon it, wrought in this respect a great change. The slave-power, which had gradually constituted itself the strongest, in fact the controlling, organized force in the Democratic party, rebelled against the constitutionally expressed will of the people and put itself outside of the Union. Although a large number of Northern Democrats went

into the Union army, many of them without giving up their party affiliation, the Democratic party as a political organization made the fatal blunder of assuming a suspicious position in a struggle for national existence. Its attitude sometimes permitted serious doubt as to its patriotic impulses. The resolutions of its national convention in the fourth year of the war presented a suspicious assortment of dangerous propositions and false prophesies. Its confused and fitful attempts to discredit, hamper, and break down the Republican administration of Mr. Lincoln exposed it to the imputation of uncertain loyalty to the national cause. However much deserved or undeserved this imputation as a result of its course may have been, it forfeited the confidence of the people in a time of great struggles and decisions. It occupied a position somewhat similar to that occupied by the Federalists after the Hartford convention. It lost its character as the representative of the popular aspirations of the period. It was no longer the great national party, and the prestige of legitimacy passed over to the Republican side. The Democratic party was reduced to the level of a mere opposition, with the taint of suspicion upon its past career, and without clear objects as to the present and future.

The Republican party, therefore, after the civil war, felt itself as the legitimate dynasty in the same sense in which the Democrats had done so before. And for a similar reason. It had represented the national cause and wielded the national power in the greatest and most important struggle in the history of the Republic. It was the very embodiment of the ideas that had conquered. It stood for the new order of things. During the civil war it had the moral sense, the intelligence, and the patriotism of the North, the strongest section of the Union, on its side, in immense preponderance. After the war, it was supported by a popular belief that its continued ascendancy was indispensable to secure the results of the great and costly struggle. Of these results it appeared as the legitimate guardian, who should not be deprived of power as long as they seemed to be in danger. It appeared also as the legitimate champion and protector of the public faith with regard to the national debt and those financial measures which the war period had brought forth. This championship was considered essential to the public interest as long as the national faith appeared to be threatened by adverse tendencies. The Democratic party consisting largely

of those who in the civil war had fought against the Union and who after the war were thought intent upon subverting its results, its accession to power was for a considerable time looked upon as the greatest of threatening dangers, to be averted at any cost, and this feeling gave the Republican party an overwhelming strength.

This advantage of position was immense; but it is a significant fact that, in spite of it, as the danger of a reaction against the results of the war was gradually receding, a strong opposition sprang up in its own ranks, as well as in the general opinion of the country, called forth by glaring misgovernment in the South under Republican auspices, and by the abuses in the administration of the public business which developed themselves in threatening proportions during President Grant's two administrations. The unsuccessful revolt in 1872 was followed by a series of defeats in the elections of 1874. One State after another was lost by the Republicans, and not only the House of Representatives passed into the hands of the Democrats, but they gained even possession of the Senate. These grave losses were partly retrieved under the administration of President Hayes, when the rule of constitutional principles was restored in the treatment of the South, and a correction of administrative abuses begun. But that partial recovery would, perhaps, have been more difficult had not the Democrats disquieted the country by an uncertain attitude with regard to the financial question. The fact is, that the situation had gradually undergone an important change. The Southern cloud lost its dark aspect more and more, and Republican ascendancy appeared less and less indispensable for the maintenance of the results of the war. The attention of the public mind was turned again upon the practical questions of governmental administration, and the current of sentiment which the civil conflict had left behind it could no longer control our politics. To secure a Republican victory, it was no longer sufficient "to make it hot under the old flag." The people began to inquire earnestly into the conditions and requirements of an honest, wise, and efficient conduct of the public business, and into the measure in which those conditions and requirements were actually complied with. In this respect, the public mind presently reached a decidedly critical mood. There is no topic of general interest now exciting the feelings or absorbing the attention of the people to such a

degree that grave abuses or mistakes in the administration of affairs would be overlooked as of secondary importance, or that men in official station would be readily acquitted of any wrong if they were only right on some "main question." No mere party cry is potent enough to cover the short-comings of political leaders. The quarrels going on within the existing organizations have sharpened the spirit of minute inquiry and given an unusual stimulus to universal and thorough investigation. While the factions may be bent upon mere malicious fault-finding with one another without a higher aim, the real public opinion of the country has gradually become accustomed to the application of higher standards to the methods of administration, as well as to the men charged with power and responsibility. The general public is seeking, and rapidly acquiring, a knowledge of the details of the governmental machinery, and of its working, which it formerly did not possess. It is growing less and less accessible to mere catch-words and vague generalities. "Pointing with pride" and "viewing with alarm," in party platforms, has lost its charm with all thinking men. The demand for knowledge and solid business ability, as well as integrity, in official station is constantly growing not only more exacting, but also more intelligent.

This tendency has had a serious effect upon the cohesion and discipline of the Republican party, which has the most intelligent and public-spirited constituency in that part of the country where the greatest mental activity prevails. It has always had a very large number of men in its ranks who insist upon doing their own thinking, and who have more the character of volunteers for the campaign than of regular soldiers bound to march under all circumstances to the drum-beat. They are less governed by drill and word of command than by their opinion of the public interest. They are apt to stay away from the polls, or even to give the opposition a more positive advantage, when their own party displeases them and they think it needs a lesson. The gradual disappearance of great definite issues from party contests, the drifting of the Republican organization into that kind of "machine politics" which consists in mere struggles for power and plunder, and the repulsive spectacle of the selfish quarrels of factions, have made them much more indifferent to mere party success than ever before. This class forms, of course, only a minority of the Republican forces, but a minority strong enough to turn the scale in elections.

The Republican party, therefore, having been immediately after the war of overwhelming strength, but now distracted by factious quarrels in its regular organization, and not able to count under all circumstances upon the support of an influential and numerically considerable independent element, is "upon its good behavior" in the strictest sense of the term. There are so many discordant forces and divergent tendencies in it that only the wisest management or particularly obnoxious conduct on the part of its opponents can keep its line unbroken. As to that wise management, the party leaders will commit a fatal mistake if they act upon the idea that a shrewd manipulation of the patronage can accomplish the object.

When a party is in such a condition, the patronage, if handled ever so carefully for political effect, will always be apt to prove an element of dissension, and not of conciliation. Of this the history of the last twelve years furnishes the most abundant proof. Appointments made to satisfy one faction will tend to exasperate the other. Paradoxical as it may seem: although almost all the professional politicians are strenuously opposed to civil service reform, yet the introduction in good faith of a system of appointments to office without any kind of political favoritism, for ascertained business fitness alone, upon the strictest reform principles, will—aside from its effects upon the efficiency and morality of the service itself—be the only effective measure of peace for the party. Every other policy will intensify the broil. But the Republican party must, above all things, recognize its true element of strength. This does not consist in mere organization, however useful that may be. Nor does it consist in the employment of those means by which the activity of professional politicians is usually stimulated, nor in appeals to the old war feelings, however powerful they once may have been. It consists in the assurance the party gives to the people that the cause of good government, the prosperity, the peace, the good name—in one word, the conservative interests—of the country, will be safer in its hands than in the hands of any other. When a party has been so long in power as the Republicans have, there is always a current of popular desire for a change. That desire grows stronger as years roll on. The Republicans must, therefore, impress the people with the belief that no sweeping change is necessary, or that those changes of more or less importance which may be desirable can be

more safely intrusted to it than to the opposition. It cannot do that by mere political management in the ordinary sense, nor by mere promises. It must do it by actual performance in the way of good government. If it fails in this respect, even the keeping up of a strong organization will be of no avail. It will lose those votes which are necessary to make a majority—unless, we repeat, the opposition throws away its chances by a particularly obnoxious attitude.

There are some new ventures that may become elements of discord and weakness. One is the attitude of the Republicans on the Chinese question. Strict fidelity to the principle of equal human rights in the broadest sense has been the very foundation of the Republican policy in the treatment of the race question in this country. Whatever may be said about the desirability of Chinese immigration, it can scarcely be denied that by the strongest of the Republican supporters of the Anti-Chinese bill recently passed by Congress, as indeed by the bill itself, that fundamental principle was distinctly thrown overboard. Their arguments sounded too much like a recantation of the old creed to leave the moral strength of the Republican party unimpaired. Another attempt to win artificial strength may come still nearer home. The Democrats of late years weakened themselves very much in the North by coquetting with dangerous financial heresies. They are doing the same thing now by their warfare upon the national banking system, which is well apt to alarm the whole business community; for the subversion of a good banking system would be an extremely serious matter, even if another one equally good could be substituted; it is still more serious when there is no such substitution in view. But the Republicans are in danger of throwing away their advantage in this respect by something which many of them consider an especially shrewd stroke of policy, but which is calculated to injure them in a similar manner in the confidence of the business community, which they formerly enjoyed. It is the alliance with repudiating movements in the South. The breaking up of the "Bourbon Democracy" in Virginia, and the prospective fusion of the victorious Re-adjusters there with the Republican party, may be expected to give to the Republicans, in the next national election, an important Southern State, to be followed by others in the same way. But it may have the effect of making them appear less "safe" as to their fidelity to sound financial principles,

and thus weaken their principal element of strength in the North. It was the victory of the coalition between Democrats and Greenbackers in Maine that defeated General Hancock in 1880. That victory, upon which the Democrats foolishly congratulated themselves, alarmed the conservative interests of the country, and from that moment the campaign took the decisive turn in favor of the Republicans. Similar victories on the side of the latter may have a similar effect to their disadvantage, weakening them in their strongest points. While it seems probable that these movements in the South may have the beneficial effect of obliterating the old lines of division, of wiping out the old war feelings, of dividing the white vote, and eventually the colored vote also, and thereby do away with the race issue, it must be said, also, that the repudiation feature can scarcely fail to impart to the alliance an injurious taint.

On the other hand, the Democratic party is certainly not in a condition more satisfactory to itself. Ever since its defeat in 1860 it has been groping about for "a policy" with a certain air of helplessness. While from time to time re-asserting its traditional principles in theory, it abandoned them in practice. It boasted once of being the hard-money party, and then compromised itself with the wildest paper-money theories. It was once the champion of free trade, and then, after having put the demand of a tariff for revenue only in its platform, ran away from it at the decisive moment. It was the champion of a strict construction of constitutional powers, and then—its Southern wing, at least—showed itself willing to accept from the Federal Government aid for all sorts of internal purposes and to exert the Federal power in the regulation of internal commerce. Owing to the dissatisfaction created by Republican administrations it achieved important successes, obtaining control of both houses of Congress; and then it did not know what to do with its power. When the Republicans had made a blunder, the Democratic party seemed to be in haste to make a greater one. It has frequently found itself obliged to accept as unavoidable certain points of the Republican policy, after having violently opposed them; and now an unusually strong movement has been started in the Democratic ranks in favor of protection, just at the moment when a reaction against the ultra-protective policy of the war period is beginning, when a revision of the tariff is generally demanded, and when shrewd Republican politicians

are preparing to take advantage of this tendency, and to push it toward a thorough reform of the system. While most of the odium which attached to the Democratic party in consequence of its ancient pro-slavery policy and its attitude during the war has gradually faded away, it has, by its vacillating and aimless conduct with regard to the practical questions of the time, produced the impression of a lack of capacity as to the management of the affairs of the Government, and therefore failed to make great progress in the confidence of the country. It has patriotic and able men among its leaders, but they are not strong enough to guide it. Many men who are dissatisfied with the Republicans, while no longer believing that the accession of the Democratic party to power would result in the ruin of the country, would still hesitate to intrust it with that power, for fear that more might be lost than gained by the change. Adding to this the quarrels of factions distracting it, the growing laxity of that discipline which formerly was one of the principal elements of its fighting strength, and the increasing feeling of discouragement and distrust as to its future, which has been nourished by frequent and disastrous defeats after the most sanguine expectations of victory, and has inspired many of its members with a growing indifference concerning its fortunes, it must be admitted that the Democratic party is not in a condition of great strength, neither as an opposition party nor as an aspirant for power.

The continuous existence of the two parties is therefore no proof of any exuberance of vitality in them. They are held together in their present condition in a great measure by a certain *vis inertiæ* which is, and may for some time remain, sufficiently strong to resist the centrifugal tendency. Nor is the fact that the two parties are on their good behavior in itself a certain guarantee that they will behave well. The natural tendency of the machine interest in them is rather in the direction of the exploitation of political power for the selfish ends of persons or cliques. But something of value may be accomplished if strong and intelligent influences from without are exerted with judgment and energy to encourage and strengthen the best elements within the organizations. And for this the present condition of politics seems to present unusual opportunities. Neither of the two parties commands a majority of the popular vote. Both are minority parties of nearly equal

organized strength. Both depend for success upon the aid of elements which belong to neither. And both are well aware of this. To turn such a situation to advantage for the public good will be, in a great measure, the task of the "independent voter," who has of late made himself felt, and grown to the estate of a distinct political force. He has already been mentioned in connection with the Republican party. In using this term, we mean to designate those patriotic and public-spirited citizens to whom it is of greater interest that the affairs of the Government be well conducted than what set of men conducts them. This element has its greatest strength among those who do not make politics a business, but deem it their duty to take an active part in political movements whenever an important object is to be attained for the public good. They are not enlisted in any of the factions struggling for power and patronage, but are inclined to oppose them all in turn as the public interest may require it. They are without permanent organization, but occasionally find themselves together for a common effort, as the duties of the day may call them out. Their influence has so far been practically more of a negative than a positive character. While they have not been able to accomplish the nomination and election for high place of the men they would select, they have rendered effective aid in preventing the elevation to power of men they considered especially objectionable. They have further succeeded in urging upon the attention of the people, and thereby of politicians and parties, measures of reform they considered especially important. In the North they have been mostly inclined to associate with the Republican party, not from mere habit and tradition, but because they found in the ranks of that party those elements of intelligence and public spirit with which their endeavors are most likely to find congenial lodgment. But they are always willing to consider whether a defeat or a victory of that or any other party would best serve the public objects they have in view, and to act accordingly. They are, as "impracticable theorists," very unpopular with the "practical politicians," but usually much in demand when the day of voting comes. The reason is, that while they cannot control the organizations, they can occasionally decide an election, and as the power of party allegiance and discipline grows generally weaker, their influence upon public opinion grows stronger.

A striking proof of the power of that influence is furnished by the remarkable progress of the movement for civil service reform. That movement originated inside of the Republican party, and some attempts were made there to give it practical effect. But the first of those attempts were abandoned, because they were frowned upon by the politicians controlling the "regular organizations," and later efforts, although more successful, were crippled by the same influence. A very large majority of the professional politicians of both parties continue to hate civil service reform with a sincere and robust hatred, because it threatens to spoil their business, to throw most of their arts out of the market and to deprive them of their plunder. But as the movement grows steadily in favor with public opinion, they have discovered that there is a popular demand to satisfy. Many of them, who still hate it at heart as much as they ever did, now profess to be themselves in favor of some sort of reform, which they pretend to be able to accomplish with their own methods. Much of this profession is that kind of hypocrisy which is called a tribute paid by vice to virtue. It is certainly not genuine virtue, but the mere fact that vice recognizes the necessity of paying a tribute to virtue is a valuable sign of progress. The time is not far behind us when such a tribute was considered entirely superfluous,—the worst abuses of the spoils system being paraded before the eyes of the people without concealment. Fifteen years ago, a sweeping "new deal" of the offices at the incoming of a new administration would have been considered a very natural thing. The removal of any number of worthy public servants during an administration, and the distribution of their places among a new set exclusively for political ends, could be undertaken without disguise of motive or purpose, almost without criticism, as part of the established system. Not many years ago, all the employés of the Government could be taxed for campaign expenses without circumlocution, and the removal of those who failed to respond could be undertaken almost without calling forth a remonstrance. Now, although the "practical politicians" have not undergone a sincere change of heart, any intention of making "new deals" is loudly disclaimed on both sides, for it is known that any serious attempt in that line would call forth a storm of indignant protest. Removals and appointments for purely political reasons undoubtedly still happen, but they have become comparatively rare, and are as carefully as possible disguised. Assessments have still

recently been levied upon public servants, but the public reproof of that practice has been so vigorous, and the number of refusals to pay so large, that removals on account of non-compliance are well-nigh impracticable, and the odious practice itself will scarcely be resumed to anything like its former extent. On the whole, glaring violations of the principles upon which the civil service should be conducted are now attracting as much attention as a striking observance of them would have done some years ago. And now some Democratic leaders have espoused the cause of civil service reform, with sincere purpose, no doubt, as far as they individually are concerned, and the political capital attaching to it has become a matter of competition between the two parties. These results, although still far behind real reform, are, after all, results of value; and they have been accomplished in spite of the adherence of the "practical politicians" in both parties to the old system of political management. It has been done by a public sentiment strongly developed, mainly outside of the "regular organizations," which, pressing upon them, extorted partial compliance with its demands as a sort of party necessity. This fact suggests what greater things may be accomplished in a similar way, if the "independent voter" understands and resolutely asserts himself.

There are, indeed, greater tasks before us. The public mind is, more or less unconsciously perhaps, occupying itself with a problem which, in a period of transition like the present, naturally presses forward, and which goes beyond any definite measure of reform yet proposed. It is the problem of creating an administrative system adapted to the new circumstances which the changes in our social and economical condition during the last fifty years have brought forth. Some features of that change have already been referred to. The bucolic state of American society is absolved, never to return. The American people are no longer what they were during the first decades of the republic—a people of farmers, living in scattered settlements, separated by great distances, with a few small trading towns on the coast and in the interior. We have now a population of over fifty millions, which within the life-time of our children will be a hundred or more. A large and constantly growing proportion of that population congregates in great cities, the business centers of immense expanses of country which our enterprise has occupied. Activities and industries of great

variety have sprung up, which for their success and prosperity largely depend upon one another. Railroads and telegraphs, uniting the most distant parts of the country in rapid intercourse and instantaneous exchange of thought, have established a community of interests formerly unknown. Enterprises requiring large aggregations of capital have become necessary to make the vast resources of the country available, to bring the producer and consumer together, and to create wealth by the employment of hired labor on a great scale, thus largely changing the relations which formerly existed between man and man. Great corporations have grown up, wielding a power which may challenge that of the Government itself. New interests have developed themselves, and with them new conflicts, some of them beyond the reach and control of local self-government. In consequence, we have a people with a new social organization, new wants, new grievances, and new aspirations, and becoming more and more accustomed to look to a central authority for things which formerly were not considered within the range of its functions. Whether we consider these tremendous changes as good or evil, as fraught with danger or full of promise, they are the natural outgrowth of a development bound to come and to go on, and they cannot remain without great effect upon the nature and working machinery of the Government.

The simple principles which form the foundations of republican institutions remain the same. But their application to the state of things now existing, with its new requirements, is no longer as simple as it was defined in the formulas of the past. These requirements cannot be safely disregarded. The powers of the general government have to be so adjusted that they may be equal to the demands of our present condition without encroaching upon the legitimate province of local self-government, and without becoming a dangerous instrument of usurpation in the hands of those who wield them. The responsibility for the exercise of those powers has to be so systematically distributed and fixed, that no public function be without its well-defined and tangible share of it—a need which is very obvious in view of the confused anarchy which now prevails in that respect. A way has to be found to make more available and useful to the Government, in all its branches, the best intelligence and character in the country, now in great part excluded from public employment by the peculiar nature of our constituencies and the working of the party

machinery, or withdrawn from it by the superior advantages of private pursuits. The administrative machinery of the Government has to be so organized that not only a higher degree of integrity, intelligence, knowledge, and efficiency be secured for the service, but that the public offices cease to be an agency of corruption and demoralization in our political life. Of this comprehensive problem the reform of the civil service is only a part, but a very important one, and the only one that has so far come in a definite form to the attention of the people. These problems are of greater consequence even than our questions of finance and customs, for their solution will be destined to produce more permanent and farther-reaching results.

The existing political parties, in their present condition, appear scarcely fitted for the appreciation and treatment of this problem. The purposes for which they were originally organized in the past had reference to a different state of things. Only upon civil service reform they have pronounced themselves in a perfunctory, and, as far as the regular organizations are concerned, insincere or indifferent manner. Neither of them represents at present anything like "organized opinion" as to the tasks of the future. The spoils system has brought forth that kind of machine politics one of whose characteristic features it is to look at every topic with reference to the advantage its treatment, one way or another, will yield at the next election, the parties thus living from hand to mouth.

But the very fact that they are so evenly balanced in strength as to be obliged to reach for whatever outside support they can obtain, makes them accessible to the influence which an enlightened and independent public opinion can bring to bear upon them. In the present period of transition the popular mind is unusually open to the discussion of those great problems of government which are upon us, and currents of thought and sentiment may thus be put in motion sufficiently strong to carry one or the other of the existing parties from point to point, thus accomplishing through that instrumentality results in detail, growing in importance as they accumulate. The party which receives these influences most readily and gives them effect, will thereby develop new elements of vitality—which, however, can be done only at the expense of those methods of political management which have sprung from the spoils system. If, on the contrary, both of them resist those currents of opinion, the

latter will probably grow powerful enough to force into existence a new formation, with a courageous spirit of initiative and a programme born of the requirements of the times.

These observations are intended to be rather an analytical study of the present situation and its possibilities than a positive prediction or a platform. If this analysis is fortunate enough to attract any attention, it will also be likely to provoke criticism and dissent, especially from zealous partisans. It will, however, serve its object by suggesting to candid minds some points worthy of reflection.

CARL SCHURZ.

DAYS WITH LONGFELLOW.

In the summer of 1832, as I was discussing my plans for a trip to Europe in the autumn of that year, and a contemplated residence of several years abroad, for purposes of study and instruction, my cousin, George Washington Greene, of East Greenwich, late United States consul at Rome, spoke to me with enthusiasm of the genius and promise of his friend Longfellow, then professor of modern languages and belles-lettres at Bowdoin College, Maine. Mr. Greene was himself a ripe and accomplished scholar, as shown by his various contributions to historical literature, chief of which is the life of his distinguished grandfather, General Nathanael Greene, Washington's "man of action" during our Revolutionary war. When, therefore, after a residence of nearly four years abroad, I was invited by my amiable Jewish banker, the late Adolph Zimmern, to a quiet *conversazione* at his house on a certain evening in March, 1836, to meet Mrs. William Cullen Bryant and her daughter, and others of my countrymen, I was not a little surprised to find there Mr. Longfellow, the hero of the pen, not the sword, of my cousin's worship. I referred to Greene, whose name was a warm introduction to him, and when we left the house, early in the evening, it was to adjourn to my hotel, the Badischer Hof, where we sat up in earnest converse until daylight. I had stopped for a day or two at Heidelberg to see a few old friends, on my way to America, after a winter spent partly in Berlin with Henry Wheaton, then our minister at the court of Prussia, and partly in Dresden with George Ticknor. I was full of anecdotes of the home of Hegel and of Humboldt, and of the little court of Saxony, where Prince John was completing his translation of Dante, and Baron Lindenau, though Chancellor of Saxony, was still intent upon his astronomical determinations of the vagaries of the planet Venus. Ludwig Tieck used to read to

us once a week the matchless translations of Shakespeare, for which the world is indebted to him, to August Wilhelm Schlegel, and—for that of one of the plays, "Romeo and Juliet"—to Tieck's daughter. We also went more than once to the studio of Moritz Retzch, the illustrator of "Faust," a stout, rosy-cheeked, short, enthusiastic artist, who looked for all the world the Saxon opposite of Da Vinci or Raphael's classical features. Longfellow had led a secluded life since the death of his young wife, in Holland, the previous summer. My budget of rattling talk was, therefore, a cheering and interesting peep into the social world from which his mourning had so long excluded him; and I also had glimpses to unfold of literary men and the artists and scientists of Paris, where I had spent two winters and a summer. The day following I visited him at his rooms, which were strewn with books, in a house in the main street embracing a view of the castle. He was ready for another of my Sinbad narratives, and in later years more than once recalled, with a smile, the fact of my taking off my coat, as his room was warmed by a German stove, to talk more freely in my shirt-sleeves. With me it was a case of a love at first sight, which has burned with the steady light of a Jewish tabernacle ever since. When, a day or two after, I started for the town of Trèves, he drove with me as far as Mannheim, where I bade him farewell. Our correspondence began when an accident detained me captive for a month at the residence of an old college friend in the town and fortress of Luxembourg; but I never laid eyes upon him until his return to America in the summer of 1837, when, on calling to see him at the Astor House, where he had arrived the night previous, I found my way to his modest room in the fourth story of that then palatial abode. There were no elevators in those days, but how joyfully would I dispense with that modern convenience to possess once more the light, elastic step and the buoyant hope with which I rushed to embrace and welcome my friend! His room was empty, but on the table were lying three or four sheets, evidently containing poetry. I wrote my name and a message upon a card, and remember saying to myself, as I descended the stairs: "Poor Longfellow! Alas, that he should have become a captive to the muse!" I mention this impression to show how modestly he had abstained from speaking of his works, and of a future pursuit that was to ennoble his name and delight a million of human hearts. In our

conversations at Heidelberg, and on the road, I had identified him with the past and future professor, learned in all modern languages, and having hived up a rich store of literary treasure for the use of the pedagogue and his pupils. We had discussed German poetry and philosophy, Goethe, Schiller, and Heine, and I remember how his eyes sparkled when I narrated my halt at Weimar to see the tombs of the two poets who lie side by side there, and to pay a visit to Mrs. Anna Jameson, who was then the guest, at Goethe's residence, of the great poet's daughter-in-law, Frau von Goethe. But never a word of his vocation passed his lips, and it was only when his first work, the "Psalm of Life," appeared, in the pages of the New York "Knickerbocker Magazine," that I realized how I had entertained an angel unawares. The poem made a great sensation in the then small circle of New York enthusiasts, among whom I can remember Fitz-Greene Halleck, Washington Irving, Dr. Francis, the Rev. Dr. Hawkes, and Charles King, then editor of the New York "American," afterward the genial president of Columbia College, who were among its most appreciative minds. I hardly need say that many of the matrons of our city and their young daughters committed the lyrical treasure to memory, and thus formed the nucleus of that expanding circle of English humanity to which so many of Longfellow's future verses became household words. Our correspondence, stimulated, on my part, by admiration for this unsuspected genius of my friend, became and continued for several years extremely active. Sometimes I ventured to suggest a German poem as worthy of being transferred to our language, and, in several cases, a week or a fortnight brought me fresh proof of the marvelous adaptation of his mind and ear to perform what I heard him call, many years after, "translation, the last infirmity of noble minds." I was then reading Uhland, and I remember my surprise and delight at his version of the "Luck of Edenhall," and of the "Two Locks of Hair," the latter, I believe, by Gustav Pfizer.

About this time, during the years from 1838 to 1843, I made a practice of running on to Cambridge to spend Sunday and Monday at the Craigie House, and was always entertained by some new tender or heroic lyric. Once I carried to him Tegnér's "Children of the Lord's Supper," which had been given to me by Baron Nordin, then Swedish minister at Washington. Familiar as he was with all the Scandinavian languages, he devoured this

poem silently, kept it, and, when I returned a fortnight after, read me his lovely version in the hexameter of the original. It seemed to have been written at one gush, for he took the manuscript from a closet, and I observed that it was written in pencil, with few, if any, corrections. In fact, like the occultists of the East, he seemed noiselessly to have *projected* his work straight from his brain upon the paper. He was a noiseless craftsman, and performed his work with a neatness and dispatch I have never seen equaled. He was method itself in all his arrangements, and could lay his hand upon the most minute note or manuscript, however long it had lain hidden in its repository.

I remember once his writing to me to come on next Sunday, as he had something to show me and to consult me about. I obeyed the call with alacrity, and reached the house, as usual, in season for a tub before breakfast. It was his habit during the boiling of his coffee-kettle, to work, at a standing-desk, upon a translation of Dante. So soon as the kettle hissed, he folded his portfolio, not to resume that work until the following morning. In this wise, by devoting ten minutes a day, during many years, the lovely work grew, like a coral reef, to its completion. On the morning of the day in question, however, that task was relinquished, and, after breakfast, he told me that he had recently written a poem which smiled to him, but which his habitual counselors and companions—who I presume were Charles Sumner, C. C. Felton, and George S. Hillard—had frowned upon as beneath the plane of his previous lyrical performances. He then proceeded to read me the "Skeleton in Armor," which so stirred my blood that I took the manuscript from his hands and read it to him, with more dramatic force than his modesty had permitted him to display. This may have been presumptuous on my part, but I remember, when I came to the *crescendo*,—

> "As with his wings aslant,
> Sails the fierce cormorant,
> Seeking some rocky haunt
> With his prey laden;
> So toward the open main,
> Beating to sea again
> Through the wild hurricane,
> Bore I the maiden,"—

he sprang to his feet and embraced me. The doubting Thomases were at a discount that morning. This poem

revealed to me his methods of work. After the emotions of mutual satisfaction had subsided, he told me that he had carried the scheme in his head ever since the previous summer, when, after having visited, with a cavalcade of my brothers and sisters, —among whom was the present Mrs. Julia Ward Howe,—the skeleton in armor, dug up at Taunton, and then visible in a museum at Fall River,—since burned to the ground,—he challenged my sister, in their home gallop over the Newport beaches, to make a poem out of the rusty hauberk and grim bones they had been inspecting. "That," said he, "was nearly a year ago, and the poem only flashed upon me last week." It will be remembered that the closing scene is laid

> "In that tower
> Which to this very hour
> Is looking seaward."

And now comes a curious illustration of the market value of poetry, past and present. I proposed to take the manuscript to New York and sell it for not less than fifty dollars. On my return thither my first visit was to the poet Halleck, at his desk in the dingy counting-house of the primeval John Jacob Astor, in Prince street. We had often talked about Longfellow, and Halleck felt and displayed a lively appreciation of his genius, which he denied to the English laureate, whom we all venerate. The old poet was delighted with this new effusion of his younger lyrical brother, and knowing the value of his opinion in the eyes of our literati, I asked him to express his admiration in a few brief words at the foot of the manuscript. If I remember rightly, the inscription ran: "I unhesitatingly pronounce the above to be, in my opinion, Professor Longfellow's finest effort." This was duly signed, and I rushed down to Louis Gaylord Clarke, of the "Knickerbocker Magazine," who stood aghast when I announced the price of this poem, he having only paid twenty-five dollars for its predecessors. The intrinsic beauty of the lyric, which by this time I had learned to read with tolerable effect, overcame a reluctance to which his poverty, not his will, consented, and I had pride and pleasure in remitting the fifty dollars to Cambridge that evening.

To anticipate chronologically my narrative, I will here introduce a parallel anecdote with a far different result. Of late years it has been my custom to pay the dear poet we mourn an

annual visit about Christmas time, and when I arrived at the Craigie House, some eight or ten years ago, he pulled out from his drawer, after his first warm greeting, a new poem, as in days gone by, and read to me, with his musical and tender voice, the "Hanging of the Crane," which I remember he explained to me was the interpretation of the French expression, *pendre la crémaillère—Anglice*, the "house-warming" of a young couple. I was ardent in my admiration of the beautiful poem, and resolved, on my return to New York, to see whether I could not dispose of it, so as to strike a fair average between the price I should get for it and that obtained more than thirty years before for the "Skeleton in Armor." I was impelled to this by his gently confiding to me, as a profound secret, that he had bought, for an old school-mate in distress, the house in which he was born, and settled it upon his wife and children, and that he had been sending him, for years, fifty dollars on the first of each month to keep the wolf from his door. This was confided to me because I expressed a solicitude for the welfare of his beneficiary, and not with the faintest scintilla of consciousness of a generosity he regarded as a pleasing duty, that he was happy in being able to perform. So I returned to New York on the morrow, compelled to be in Washington the next day. I addressed Mr. Robert Bonner a note, reminding him that I had had the pleasure of visiting his famous stable, with my friend Lord Rosebery, and telling him that I had seen, the day before, at Cambridge, an unpublished poem of two hundred lines, by Mr. Longfellow, which I thought one of the finest he had ever produced; and I inquired whether he would like to make a bid for it for the New York "Ledger." I added that I was on my way to Washington, but would be glad to receive his reply, making an appointment for the following Saturday. I also wrote to Longfellow, stating that I had opened negotiations with Mr. Bonner, and hoped to get a thousand dollars for the privilege of the poem appearing in the "Ledger." When I came back on Saturday, I found two replies to my letters. Longfellow said "that an offer of one or two thousand dollars might tempt him to cede the bantling to Diomed the Tamer of Horses, he himself reserving its copyright." Mr. Bonner asked me to call at his office at one o'clock on the same day. He was brief and to the point in speech. He said, "Two hundred lines at five dollars a line is a thousand dollars,"—and drew his check for that amount, which I mailed to the poet that evening,

and the next day returned to my post in Washington. My surprise and consternation may be imagined when I received, on Monday, a telegram from the bard, stating that he had returned Mr. Bonner his check, having made other arrangements. I wrote to Mr. Bonner that my interest in the matter had been to do a service to both parties concerned, and that I regretted my efforts should have failed. He made no reply, and now for the sequel. It was my habit to come from Washington to New York every Sunday, to visit the clients and friends whose interests I was striving to protect in that region during the sessions of Congress. About two months after the foregoing disappointment, a pleasant-looking youth called upon me at the Brevoort House, to say that his father, Mr. Bartlett, desired an appointment with me on business of importance. Although my hands were full, "the more the merrier" is the standing motto of a parliamentary agent. I said that I should have to be going all day, but if he would tell me where his father lived, I would fix an hour, agreeable to his topography, for seeing him. He said his father resided at the Hoffman House. I immediately replied that I had to calculate time and distance like a doctor in an epidemic, but would call upon his father at one o'clock. Mr. Bartlett was a square-jawed, dark-whiskered, determined-looking man, who instantly proceeded *in medias res*, inquiring the cause of my difficulty in regard to Mr. Bonner and Mr. Longfellow. I recounted the circumstances of the case, which he saw for the first time in its true light, and he said: "Although I am Mr. Bonner's legal adviser, he sometimes goes off at half-cock, without consulting me. Had he done so, I should have recommended him to present you with the check that he sent to Mr. Longfellow, and to have offered the poet three times that amount for the privilege of the publication." I think I blushed at the idea of a kindly intention thus coming back, like bread upon the waters, to replenish my own exchequer; and I replied that I had to return to my post that night, but would start for Cambridge on the following evening, and I begged him to telegraph to the Somerset Club, Boston, whether Mr. Bonner meant business on the basis specified. I reached Boston on Wednesday morning, drove to Cambridge, and brought the poet into town with me, to consult with his publisher, Mr. Osgood. The result was a bargain. Some little hitch arose about the question of a month or two in the resumption by Mr. Longfellow of his copyright, which Mr. Bonner desired should be fixed for

the first of November, but finally consented should relapse on the first of October, when the book appeared in its illustrated form. It will be confessed that, when Mr. Bonner paid four thousand dollars for the "Hanging of the Crane," the price of literary work had risen very considerably from Mr. Clarke's day, and to no one is this advance in the guerdon of genius due so much as to the poet who filled every heart and mind with a longing for his melodious verse. I have used the word melodious as characteristic in the highest degree of his measures; and I remember when, during the visit of Messrs. Sullivan and Gilbert,—I met them at dinner,—I asked the former why his "Songs of the Wrens" were a musical failure, he replied: "Because the laureate has no ear for music, and never bends himself to the exigencies of a composer—so great in dealing with 'our harsh northern, whistling, grunting guttural'; whereas Longfellow's rhymes are all equipped for the dance."

Washington Irving once told me that while Tom Moore was keeping away in Paris from his creditors in Bermuda, they resided together, in a sort of French cottage, in the Champs Elysées, where Moore used to pace up and down the garden walks every morning, pulling out the fingers of an old glove, while he composed the ten lines of his daily task, for which he got ten guineas. This sometimes took him a couple of hours, during which Geoffrey Crayon watched him, with a humorous twinkle in his eye, from an arbor, in which he was devouring the manuscript autobiography of Lord Byron, who had presented it as a dower for Moore's daughter, but which was subsequently destroyed in the flames of Mr. John Murray's library grate. Mr. Tennyson received, I am told, three guineas a line from the "Cornhill Magazine" for his "Tithonus." Mr. Bonner went a guinea above the laureate's price in his bid for the "Hanging of the Crane," which cost him four guineas a line. What a contrast in favor of American culture is that remuneration, when compared with the fifty dollars received for the "Skeleton in Armor," which was about thirty cents a line for the hundred and sixty which composed it!

But time and space alike forbid me to prolong this hasty tribute to the memory of one, the glory of whose life will be illustrated by a thousand pens more powerful than the thousand swords which Burke said would have once left their scabbards to defend the honor of the Dauphiness of France. And yet, save

for the uses of posterity, no tribute is needed to extol the serene virtues of one whose death has put in crape a nation whom his works have never ceased to rejoice. I remember his passing a month with me at my residence in this city, in the month of July, 1839, when his "Hyperion" was going through the press, and my marveling daily at the soft serenity of his temper, blended with symmetry, noble manliness, and dignity, in perfect harmony. Who that has read the description of a Swedish wedding, with which he prefaced "The Children of the Lord's Supper," can have failed to be thrilled by the exquisite grace and finish of his prose, which inspires a feeling of regret that he should have left so little of it? Verily, in him THE NORTH AMERICAN REVIEW mourns its greatest and best contributor.

It will be readily believed that forty-six years of uninterrupted friendship and brotherly intercourse with Longfellow, broken only by my own peregrinations, bring crowding to my mind countless memories of the man I loved. It would be easy for me to fill a volume with reminiscences of him, not one of them darkened by any shade. I will pass, however, to the last time when I saw him. On Thanksgiving Day, last year, I went for the last time to Craigie House. He had been suffering from an attack of vertigo, which had left him weak, but he laughed as he spoke of his having constituted himself an invalid. He was in his bedroom when I found him, though he was able to walk and even to go out. I only staid a short time, about half an hour, but that brief interview will never be forgotten. He read me his last poem, the "Hermes Trismegistus." I was greatly struck with the beauty of this, his latest work, and begged him to publish it immediately. On my return to New York I wrote to him on the subject, and I here give his reply, the last letter he ever wrote me. It is as follows:

"CAMBRIDGE, Jan. 23, 1882.

"MY DEAR UNCLE SAM:

"'Whom the gods love die young,' because they never grow old, though they may live to four score years and upward.

"So say I, whenever I read your graceful and sportive fancies in the papers you send me, or in those I send you.

"I am now waiting for the last, announced in your letter of yesterday, not yet arrived.

"Pardon my not writing sooner and oftener. My day is very short, as I get up late and go to bed early—a kind of Arctic winter's day, when the sun is above the horizon for a few hours only.

"Yes, the 'Hermes' went into the 'Century.'

"I come back to where I began—the perpetual youth of some people. You remember the anecdote of Ducis. When somebody said of him, '*Il est tombé en enfance*,' a friend replied: '*Non—il est rentré en jeunesse.*'

"That is the polite way of putting things. But, old or young,

"Always yours, H. W. L."

And now, although nothing can be more antipodal than the characters of the two men, it must be confessed that there is a similarity between Longfellow and Disraeli in the perfect fulfillment of their respective purposes, from the day of their entrance into manhood to that of the close of their lives. The one made literature a stepping-stone to the leadership of his country's political destinies, and the other was content with a life of the purest song, soothing many an anguish and drying myriads of tears. But the only really parallel life in this century to that of our poet was the Jovian existence of Goethe, at Weimar, whom we are inclined to think Longfellow took for his model, though he far surpassed him in efficient usefulness to his own country, where his songs, stealing into the hearts of men, women, and children, awakened a latent lyric feeling and a love of culture, the extent of which can hardly be estimated. The verses of Bryant and Halleck had found many admirers on their first appearance, and some of the latter's lyrics, such as "Marco Bozzaris," passed into the elocution of our schools; but the scope and variety of Longfellow's work, always up to the highest standard, found a far wider range of readers, and the lyrics of Holmes and of Whittier, whose strains he always admired, continued the grand bardic Eisteddfod.

The passing bells of Cambridge tolled on the memorable afternoon of the 24th of March, for the departure of their highest and most faithful fellow-citizen. He who had followed, in turn, Washington Allston's body, by torchlight, to Mount Auburn, and Hawthorne's to his grave at Concord; who had mourned over his beloved Agassiz, and Felton, and the long array of his predecessors to that bourne, has left behind him the record of the most perfect life in the age and century with which he is identified. He left no unfinished work behind. Of him cannot be said those noble words he wrote on the burial of Hawthorne:

"Ah! who shall lift the wand of magic power,
And the lost clew regain?
The unfinished window in Aladdin's tower
Unfinished must remain."

The "Ultima Thule," his last published volume, ranks higher, in our view, than the similar booklet issued about the same time in England by the laureate. In it will be found those touching strains on the death of Bayard Taylor, which we shall feel on Sunday, when the last rites are performed in his library:

> "Dead he lay among his books;
> The peace of God was in his looks."

And his swan song, "Hermes Trismegistus," shows that, however saddened by the loss of so many bright spirits, whose love and sympathy had cheered him for so many years, and who, by their departure, impoverished for him the attractions of life, his clear and masterly intellect, his poetic fancy, his startling imagery, and his melodious rhythm were all at command to the last, as in some old Stradivarius, whose sounds and echoes grow mellower with time.

SAMUEL WARD.

NEW YORK, March 25, 1882.

WHAT DOES REVELATION REVEAL?

THE Bible above most, perhaps above all, books that have been written, has temperament. It piques, attracts, repels, confuses. It draws upon attention and patience. It disciplines negligence. It puts fine spurs to motive. One must take time to win the individuality of it. It is a liberal education to learn how to live with it.

The Bible is not a primer. It is no easy reading for beginners. The mere alphabet of either knowledge or feeling cannot fit a man to do anything better with this book than to take it (or leave it) on trust from his own moral instinct. "No man who knows nothing else," a scholar has told us, "knows even his Bible."

The Bible, we say, is a difficult book. This should be admitted fairly, in justice to it, to belief, and to believers. It is a powerful appeal to the emotions, but it is more than that. It is a strenuous influence upon conduct, but it is yet different from that. It is a challenge to the intellect of the race.

It is one of the signs of a successful book that the reader employs himself in thinking how he would have done it differently, and it would be a laughable problem in psychological algebra to estimate the number and kinds of persons who would like to show the Creator how to write His over again. How many of us, in the deep below the lowest deep that underlies sub-consciousness, believe that we could have made a better Bible than we possess?

Students of the subject have drawn a distinction familiar to most of us, between Revelation, Inspiration, and the Bible, but for convenience the term Revelation is used in this paper in its commonly accepted sense, as descriptive of that especial form of divine manifestation known to us as the Christian Scriptures.

The moment that a man undertakes to judge what he would do if he were a God, he must, of necessity, put God in the position of doing as if He were a man; but so far as we can assert what might, could, would, or should be possible to a supposed Creator in a case like this, we may say that, in extending such a revelation of His nature or purposes to us, God had two methods open to Him.

He might have selected the miraculous method. He might have inscribed truth upon the firmament, in eternal characters that the mind and eye of man should have been educated to interpret. The stars of heaven might have composed His awful alphabet; planet and comet and sun, nebula and meteor, might have formed and punctuated those mystical words; each heavenly body might, without interference with its individual destiny or value, have been by a divine freak so blocked out as to contribute to the formation of the magnificent characters which were to enlighten this small and ignorant planet that we happen to call our own. At twilight, men might have stood to watch the splendor of these hieroglyphs deepen down into the night, and read, "The heavens are the work of Thy fingers," where now they glance at the flaming frame-work of the southern cross; or spelled out, "God is love," where we idly follow Venus rising from the sea.

Or God might have uttered truth articulately to human ears. He might have taught the waves of the sea a celestial syntax to which terrestrial hearing should be attuned. The volcano might have been tamed to use His dread vocabulary. The sirocco and the cyclone might have spoken with an inexorable definiteness. Hail might have cried rebuke. Flowers might have whispered comfort. Birds might have sung of heaven. Men might have bowed to catch the least accent of the midnight wind in desert places, while it called: "Fear thou not, for I am with thee." Or we might have listened to the mighty lips of Niagara chanting, to what a musician claims to have discovered as the "Niagara chord," a *Gloria in Excelsis Deo* which the heart would have stood still to hear.

Or the awful veil between this and the unknown world might have been rent in twain. The mute lips of the grave might have moved. The dead might have answered to the wail of the ages. Our starved arms might have clasped them for the instant which would have been worth all agony.

"Oh, for five minutes with my Jean!" cried Carlyle, desolate upon his fame. Mystery could have relented and silence spoken, the famine of the heart been fed, the palsy of the faith been freed. We need not have beaten the breath of our souls out against the barred gates of death. "The touch of a vanished hand" could have set at rest our dreariest doubt forever. From the sealed lips of our dearest dead we could have learned, and never questioned after, who is the Resurrection and the Life.

One other method was open to God in extending a special revelation to man. He could act upon the legal fiber of the world. It was in His power to pursue a course of conduct in harmony with His own system; to act in accordance with laws which He had already established; to reach man by human means; to avoid, as far as possible, the shock and strain of admitting what we are accustomed, with great looseness of phraseology, to call higher laws; to neglect in the main the sporadic and the startling; to respect premise and conclusion, form and dignity; to select the orderly method of revealing, as He did the same in creating, as He does in preserving, as He has in governing. This He has selected. It will be found, I think, if we consider carefully, that He has adopted the natural method, with such emphatic distinctness as to leave us astonished at the *chiaro-oscuro* theories which theology has struggled to impel upon the credulity or reluctance of the world, as media of approach to a comparatively simple fact.

The Bible, in short, is not a miracle.

It is not too much to say that many, if not most, of the polemic mistakes made by the opponents of the Christian Revelation have their root in the assumption that it claims to be a miracle. Skeptical exegesis had the supreme opportunity of the century in her hands when the growth of modern thought struggled, like a Chinese child malformed in an earthen vase, against the distortion of the primitive theories of inspiration.

Instead of toiling with her mythical theory, her legendary theory, her naturalistic theory, her literary theory, dissent might have turned upon us and said: "Your Bible is not outside of law, but within it, and yet your Bible still." But, since unbelief lacks the constructive imagination, as well as the spiritual *præjudicium*, clearly necessary to such a result, it has been left for the slower but subtler scholarship of modern faith to give to

the world the only theories upon which it can hope a hundred years hence to keep any Bible at all.

It would be difficult to find another word in the language which has been so distorted as the word inspiration. It may belong to that series comprising God, the Soul, Immortality, of which it has been said that they never can present the same idea to any two minds; but let us take the liberty of doubting this, and say, rather, that inspiration offers as much fixity and definiteness to thought as any other kind of development can. What we call inspiration is a growth. It unfolds with history and like history. It is subject to evolution, like the race. It develops like the body, of which the particles undergo renewal every few years, yet it remains the same body still. What it was, it is and is not now. What it is it will, and yet it will not, be in fifty years.

In the matter of Biblical inspiration, if in any, we are to expect change as we have experienced it, in applied scholarship, in deepening wisdom, in spiritual illumination, and in the laws of interpretation as affected by these things and others not yet within the scope of our perception. There is no life without change. Inspiration is the breathing in of life. If the vital spark remain, the tissues of the inspiratory organs not only may change, but must change.

It would be as impossible for the thoughtful world to hold to-day that attitude toward the Bible which appears, for instance, in the Augsburg Confession, as it would have been for Solomon to write "Butler's Analogy," or for Noah to have built an elevated railway. But it would be equally impossible for the Bible to hold the same attitude toward the world. If it had proved an obstinate thing, it would now be an obsolete one. If there had been no moral elasticity in it, it would before this have been as dead as the worship of Moloch. Life is motion, renewal, promise. It is only death which does not stir. John Robinson, at Leyden, said one of the eternal things when he cried: "There is more light yet to break from God's word!"

Let us assume that the Bible is, above all things else, a natural book; that God, in designing it, followed that beautiful "law of parsimony" which is so justly dear to instructed human minds. Let us suppose that he chose the orderly form of communication in preference to the extraordinary, for reasons which appeal to our own intellectual standards; that he selected

natural illustrations of His purpose when He could, and fell back upon the supernatural only when He must; that it is incumbent upon us to bring to this book exactly the same qualities, as readers, which we should to any other important work; that it will bear the same, deserves the same, and demands the same; and that if these qualities are of the clearest mental and purest moral type, the book may stand or fall by their sentence, and ought to. I know of no other assumption which can fit a mind to approach a work presenting the claims of this. Precisely in proportion to the greatness of a call upon our credulity must we cultivate the impartial and dispassionate faculties upon whose healthfulness and energy the entire value of our conclusions rests. The church has often suffered herself to forget this simple law.

If the Bible is a natural book, it must be subject to natural rules of interpretation. If, as we noticed at the outset, it proves a sharp challenge to the human intellect, this argues nothing against its demands, but is rather so far in their favor.

It is not true, as we are in the habit of saying lightly, that all great things are simple. It is true that all really great things can be understood, but there is the grandeur of complexity as well as of simplicity. The arts make this very clear. Music has food for all kinds of human hunger. She never gives a stone for bread, though to the most earthy of natures. It is impossible to observe the faces in a great audience, listening to great music, without an awed sense of a power so diverse as to be almost divine. So the Bible is at once simple and complex: sufficiently intelligible to the untaught; sufficiently daunting to the thinker—who ought, therefore, the more to respect it. It has been compared to a stream, so deep that an elephant can swim in it; so shallow that a lamb could wade across it.

So science, again, dares her disciple on by difficulty. "Is it much for me," said Kepler, "that men should not accept my discovery? When the Almighty waited six thousand years for one to see what He had made, I may surely wait two hundred for one to understand what I have seen."

In all other forms of revelation, the more closely organized the material, the better instructed minds like it. One of the greatest of contemporaneous philosophers has taught us that development proceeds from the indefinite to the definite, and from simplicity to complexity. Why make an exception of Biblical revelation?

Why expect to eliminate from it all elements of perplexity, and all conditions of toiling attention? Why even all possibility of misapprehension? Or why except it from that lower law, as common as it is unflattering to human nature, which leads us to admit that, the more deeply a thing must be sought, the better it is prized?

Suppose we had been given the twenty-third Psalm inscribed by the lightning upon the foreheads of our hills. How soon should we have explained it away as an instance of sub-conscious cerebration? If the soul once dearer to us than our own had returned from the dead to whisper, "Thou shalt not," in some convulsive moral emergency, would it have always found a listener? Alas, would it have always had a welcome?

I think it is possible for us to conceive that it may not be an easy matter for the Almighty to gain a hearing in a human heart, and to understand that any method of communication must have its disadvantages.

That none can be perfect when He has to deal with such imperfect material, is a foregone conclusion. Out of a disabled organ, what master brings the absolute chord?

It is easier to say what the present educated views of inspiration and interpretation are *not*, than what they are. An unclerical writer who should attempt strictly to define the preponderant belief of the church to-day upon a matter so delicate as the nature of Revelation would have a thankless and a useless task.

The curse of all transitional times is upon us: no man represents such a period; none can fitly record it till it is past.

A few things, however, it is possible, with misrepresentation of none, and justice to all, to observe. Progressive Christian scholarship no longer believes in what was called verbal inspiration. We are not taught that the Bible, as a product of inspiration, is a book whose language was originated, corrected, and revised by the divine Author; or, as Webster gives it, "in which the very words and forms of expression of the divine message are communicated to the inspired author."

No truly educated preacher teaches that the awful God, in such a sense, wrote the Song of Solomon. We do not hold that the Almighty troubled himself about the cloak that Paul forgot at Troas. No exegete calls the All-wise Being to account for the discrepancies between Matthew and John. The theory that the mind of God peremptorily dictated the composition of the

Bible, in all its minutiæ, as the mind of Shakespeare permeated Hamlet, and the hand of Shakespeare directed it, is a theory already gone with the damnation of infants, and the incredible nonsense known as the doctrine of imputed sin, which would have held you or me responsible for the guilt of Adam.

These things are so well understood by intelligent believers, that any skeptical writer who asserts the contrary foredooms himself to a fine dilemma: he carries upon the face of his assertion proof of an ignorance which unfits him to discuss the subject, or else of a moral obliquity in the representation of facts for which the courtesies of controversy have no permissible name. He either does not know the true, or he circulates the false.

It may be said once again that the most modern Christian scholarship—and, in saying this, I mean even evangelical scholarship—no longer contentedly accepts what is known as plenary inspiration. Plenary inspiration I understand to be the theory that the mind of God, while not dictating the language of the canonical writers, yet exercised a compelling and pervading influence upon them as to motive, matter, and manner; that they were the instruments of His thought, as the keys are of the musician's thought, and that the whole of the Bible, from the Pentateuch to the Apocalypse, is in this sense inspired—the immediate work of the divine Author. Worcester's definition is, "That kind of inspiration which excludes all mixture of error." Professor Parks's theory of inspiration keenly defines it as "such an influence over the writers of the Bible that all their teachings which have a religious character are trustworthy."

One distinguished English clergyman, indeed, is quoted as saying: "Each book [of the Bible] is unique, a solitary miracle of its class in human history." To this an American philosopher in sympathy with what are called the orthodox bodies of believers replies: "These are the assertions of men concerning the Scriptures rather than the assertions of the Scriptures concerning themselves."

It would be easy to cite quotations in harmony with this spirit, but our limits will be crowded without them. It is mainly important, for our purpose here, to understand that the Christianity of to-day is not founded upon imbecile literalism, or hysteric emotionalism, or defunct theology. We are no longer dealing with a stage of religious culture capable of the pious lottery known as sortilege, whereby the accidental turning of a

leaf in the Bible might decide the fate of a life, or of an army. Nor have we to do with the advance of spiritual enlightenment which could lead a father to baptize his baby: "He–that–believeth–not–on–Jesus–Christ–shall–be–damned." Nor with a theory of Biblical interpretation formulated in a theology which could require a girl to declare herself willing to be sent to hell if it were the will of God.

To attack a man for the faith of his great-grandfather is only next to imputing to him the sin of Adam, and ranks the rationalist among the barbarians at whom he sneers.

There is something pathetic in the persistence with which unbelievers of a certain type fire away at buried creeds. It is like a cannonade in a cemetery. Who is hit? Count your bleeding ghosts. Seek not the living among the dead. About face, if you would find a breathing foe!

Intelligent Christians to-day no more suppose that babies go to hell than Strauss did. A growing proportion of such Christians do not believe that the Bible teaches the doctrine of an eternal hell at all. Instructed believers no more think that the majority of the human race are damned than Theodore Parker thought it. Even the representative theologian of the old-school orthodox faith in this country taught in his class-room that the majority of men are saved. The representative theologian of the new school is accustomed, before his students, to compare the number of the lost to the number of the saved as the inmates of our prisons to the population outside of them. The Christian pulpit does not teach that heathen who never heard of Christ cannot be saved. The Christian parish does not learn that faith without character ever carried one single soul to heaven. Nobody claims that mere belief in the redemptive power of Christ counterbalances an evil or a selfish life. No one urges the secondary importance of individual purity and humanity. Christians do not shed tears of remorse for the sin of Eve. We do not believe that hell is a lake of material fire. We do not hold that we are unable to do right when we want to. Few of us think that God willfully foreordained some of His children to endless torture and some to endless peace, and that we cannot help ourselves, but must do as we were predestined to do, and abide the consequences and bless Him for it. We do not believe that saints in heaven are happier for the sight of devils in hell. We do not believe that God gets angry. We do not believe that

Christ died to satisfy the "vengeance" of His loving Father and ours. We do not believe that there is nothing good and beautiful and true in unconverted human nature. We do not believe that there may not be virtue in very bad people. We do not believe that the merciful and marked growth of character, to which the church has given the name of regeneration, must of necessity take the form of a spiritual convulsion and jerk itself under the methods of a revival, or the iron limits of a creed. We do not believe that the Almighty is ignorant of the laws of heredity, or that He overlooks the awful pressure of circumstance on human character. We do not believe that He ever created a soul, the least, the lowest, the most denied, the most sorely bestead by life, and pushed it aside as nature and the modern philosopher do, as an unfit survivor, beneath His careful respect and personal tenderness. We do not believe that He does not love poor wretches better than we do. We do not believe that He will not treat them better than we should. We do not believe, and our scholars do not teach us, that our Bible requires us to believe these things.

Neither do we believe that God made the world in six days of twenty-four hours each; nor that Moses may not have absorbed a great deal of Egyptian culture; nor that the early Jews were not barbarians who acted and were treated accordingly; nor that David and Solomon were ideal modern Christians; nor that Matthew and Luke were skilled as genealogists; nor that the substance of the Golden Rule had never been taught before Christ taught it; nor that Gautama, and Mohammed, and Confucius did not say a great deal that was true. Nor do we assert that Moses and Paul knew as much science as Herbert Spencer; we simply suggest, let me say in passing, that the Omniscient may.

Though at the risk of being met by certain of my fellow-citizens with the historic reply of Priscilla to John Alden, I think I have not ventured too much in saying that, whatever else the Scriptures mean or give to modern belief, these are among the things which they do *not* reveal.

Many of the dogmas attributed to us exist now only upon the lips or the pages of our opponents. Our young people are familiar with them chiefly in skeptical literature.

Our pulpit does not teach them, our pews do not demand them, our press does not circulate them, our scholars smile at

them, our saints have outgrown them. Our exploded theories provide occupation still for anxious and aimless infidels of a certain sort, but Christian scholarship must pass them with the silence which is the only practicable reply of any science to any charlatanism.

Where is the Christian apologist who taunts science with her abandoned outposts? Who accuses her because George Washington was bled to death? Who denounces her because no physician in Europe over the age of forty accepted Harvey's discovery of the circulation of the blood? Yet such jeers were on a level with some of the hue and cry to which scholars like Tischendorf, or Robertson Smith, or Bishop Lightfoot are expected to give chase.

Let us remember that systematic religious belief is a science, as well as botany or physiology; like other sciences subject to human mistake, correction, and slow development; that Revelation has no more done revealing than the cell-theory, or the theory of spontaneously moving plants; and that we are to regard the Bible, not as a splendidly wrought sarcophagus, but as the bed of a deep and magnificent ocean, wherein is hid treasure that the life of a man, or a race, may dive for and not exhaust.

Bearing this clearly in mind, the first thing which we observe about the Bible is that it is a human history, written by men and for men, and to be judged by human standards. Whatever God has to do with it is for us a matter of inference, not of assumption. Whatever be the supernatural element in it, we are to decide as a result, not as a condition, of our study of the book. We are not to bring to this study an *a priori* conviction that the whale did, any more than that he did not, swallow Jonah.

All that any believer in the Bible has a right to ask, or needs to ask, is that it should be subjected to the same historical laws which govern other books. If historical science should do away with the personality of Adam,—what then? The believer should be the last to insist upon it for the truth's sake; the reality of Revelation is not affected by the surrender of this or that trifling detail or theory; it would be ruined by an evasion of truth. If the Bible cannot stand the same tests with other histories, we want to know it, and we want to be the first to know it.

It is the belief of careful Christian scholarship, as it is the concession of the fairest skeptical learning, that the book stands

the test. Renan says of the Gospels: "All, in my judgment, date back to the first century, and they are substantially by the authors to whom they are attributed."

We have a human history of at least equal claims with others; with, at all events, no more than their share of errors, inconsistencies, and difficulties; to be handled with the same critical skill and honor as Josephus and Xenophon and Grote; and was it not Lessing who said: "If Livy and Dionysius and Polybius and Tacitus are so candidly and liberally treated that we do not stretch them on the rack for a syllable, why should not Matthew and Mark and Luke and John be treated as well?"

We shall not, however, quarrel with him who demands that the Scriptures be handled with greater critical skill than other histories; their claims are greater, and may require it; but we insist that, for the same reason, the intellectual *and* moral candor of the critic shall be guarded in proportion to the size of the subject and the cause at stake. No human history has received and endured the critical strain which has been brought to bear upon the Christian Scriptures. A German scholar once wrote a keen little book, in which he applied to the personality of Martin Luther the same kind of historical methods which have been exercised upon that of Christ, thereby proving the general untrustworthiness of the fact of Luther. Another skillful writer has, by a similar treatment, shown, with marked effect, that Cæsar was never assassinated. Whateley's application of this principle to Napoleon is a familiar instance in the same direction.

Whatever Revelation reveals, then, it cannot be too clearly emphasized that it reveals by sifting through the hard, fine sieve of human history. The natural way God chose, and chose it in this most natural form. We have to deal with the records of an ancient people; with their remoteness and barbarism, their politics, progress, and decline; with their superstitions and faith, their virtues and vices, their pretentions and claims; and, further, with whatever moral or spiritual objects the internal evidence of the Book may offer as sufficient reasons for the selection of this particular people for the position of the extraordinary importance which their Scriptures have given them in the world's thought.

The Bible reveals once more, in a degree unequaled by any human production, a power of adaptation to human conscious-

ness. "The Bible *finds* me," said Coleridge, "as nothing else does." Assuming that God had preferred the literary method, and had chosen a collection of Hebrew chronicles, poems, and letters as the medium of communicating to men something of value which Nature had not expressed, it would be expected that He would appeal, so far as His media permitted, to that which underlies all philosophy, and defies all dogmatism. "There is a point of view beyond the sphere of philosophy," says Goethe, "namely, that of common sense." There are a few things about ourselves which we *know;* to these the Bible addresses itself with a subtlety and a force which, to be sure, taken by themselves, it is not necessary to call supernatural, but which certainly transcend anything which we have yet experienced in other literary influences.

Men have misery, an uneasy conscience, disenchantment with life, reluctance to death, desire for eternal existence, and isolation of the soul. We do not turn to our Dante for such a plain, old-fashioned thing as comfort; Goethe has no forgiveness to offer a stained nature shuddering and cowering before itself; Homer lends few illusions to the unconfessed emptiness of our days; Virgil does not draw the sting from the fang of our last hours; Shakespeare cannot promise us immortality, nor draw near to the inner solitude in which all men walk, but the sensitive perish.

Great grief and great guilt drive mankind where they can get something greater. Strong fear and strong hope hold us where we can find something stronger. Sin and suffering are the deepest facts of life. Real emotions are a keen touchstone to the real. The common crises, the plebeian forces, the plain, universal fates and chances, test our prophets and ourselves.

"Though I am a Hellene at heart," confessed the invalid Heine, "the book has not only well entertained me, but also deeply edified me. What a book! . . . The whole drama of humanity (is) in this book. It is the book of books—Biblia."

"Need you ask?" said the dying Scott, when requested to name the book which he would have read. "Need you ask? There is but one."

Quarrel with it as we may, doubt it as we often must, perplexed by it as we shall always be, criticise it as we dare, neglect it as we do, the fact remains, and remains one of august significance, that, in those emergencies of life which are fathoms deep below all intellectual querulousness or self-delusion, the

Bible grasps us as the very hand of God might do, if we could find in this fact alone sufficient proof that the hand of God is in it.

We have our infectious, as well as our incommunicable, doubts. Unbelief is subject to fashions; one may be, to-day, a materialist or a Buddhist—either is *comme il faut.* The scientific pose is so clearly *à la mode,* it would seem strange that it has overlooked in the Bible by far the most important support which can be found for the theories which teach us to believe in the evolution of the race.

Revelation reveals the only clear basis of hope there is that the world can ever become what unbelieving science claims that it will.

Our modern dream of humanity is nothing else than Christianity in a mask domino. The altruism of the prevailing philosophy owes its existence to the principles taught by Jesus, and its influence to the power of His individuality upon the world. What is that audacious fantasy known as the "invention of immortality" but a cheap parody on the splendid Biblical promise of a life hereafter?

Revelation contains the only true democracy. Christ was the first great and consistent communist. Respect for the despised may be said to have originated with him. He first reduced the capricious and inefficient impulses of human sympathy to a permanent force. He taught the inexorable demands of poverty upon possession. He wrought havoc with the criminalities of selfish social ease. He gave challenge to the sloth and the slumber of human fellowship. He preached religious freedom and rebuked superstition.

The deference of strength to weakness, the patience of wisdom with folly, the tenderness of integrity to error, the claims of suffering upon joy, the right of the individual to his own God, were never powerfully formulated and practically illustrated in the same individual until He formulated and illustrated them. The so-called "religion of humanity" is the most amazing theft that the history of philosophy has known. It has stolen from the lips of the Carpenter's Son the principles of human progress, over which a little knot of scholars and scoffers are grouped to-day, with the expression of those who discover the secret of existence. These principles, and these alone, present the only possible chance for the development of

the race from its existing crudeness to the beautiful finish of which materialist and believer dream. The theories of the New Testament contain the seeds of the highest, because the broadest, culture. They respect the people. They build our hospitals, our asylums, our Magdalen homes, our public schools, the scholarships in our great universities; they open the oriental harems to our female physicians, our libraries to day-laborers, our academies to freed slaves, our colleges to women, our republics to their citizens. Blot the philosophy of the Nazarene out of the world, and these things go with it. This philosophy, and this alone, places that importance on the individual which makes personal growth possible upon any such scale as to become general development.

Jesus Christ taught the value of the unit; he gave us this factor in social statics. He represented the enfranchisement of faith; he gave this basis to our spiritual science. Strive as we would, we can no more outgrow our debt to him as a social reformer, or the chief apostle of religious freedom, than the wine can disallow its own grapes, or the rainbow ignore the prism. "Let mental culture go on advancing," admitted Goethe, "let the natural sciences go on gaining in depth and breadth, and the human mind expand as it may, it will never go beyond the elevation and moral culture of Christianity as it glistens and shines forth in the Gospel!"

The remarkable conformity of the Scriptures to personal consciousness and to universal history is an important argument in favor of the reality of the Biblical claims, but does not seem to be a final one. Let it meet the individual or the general needs with whatever force or subtlety, the demands of this Book are so tremendous, if false they are so preposterous, that it ought to be subjected to every test of intellect and conscience that we can bring to bear upon it.

If we can find anything else professing to be a revelation from God which is less perplexing, more simple, more reasonable, we should be bound to drop this. "Give me a better book, and I will," was the profound reply of a Christian who was asked to surrender the Bible.

Candid unbelievers readily acknowledge the superiority of the Christian to all other Scriptures. Uncandid ones admit the same by the virulence and persistence of their defiance to the Bible.

"There is no recognition in the Koran of human brotherhood." Many orientalists claim that Buddhism gives us no personal god. The Edda, and the Zend Avesta, and the Vedas give too many gods. The Sacred Books of Confucius offer little or no hope of immortality. It is not too much to say that, on the whole, and to the best of our knowledge and belief, tested by that consensus of the intelligent and devout which alone is competent to pass judgment upon a question in which the spiritual faculties as well as the reasoning must be qualified jurors, our Bible reveals the best explanation we have of the phenomena of life.

It is a mysterious one, it is an imperfect one, it is a half-developed one, but it is the best we have. It is the best we have, because it is the most humane; therefore, in so far, the most divine. It is the most humane and the most divine because it reveals the relation of Jesus Christ to the problem of existence.

To practical people of instructed intelligence, but not of the theological or metaphysical temperaments which will amuse themselves with the casuistries of the thing to the end of human leisure, it seems to me that the whole matter resolves itself into something like this:

We are here, we know not how or why. We are in a world of certain misery and uncertain pleasure. Life is a dark marvel. Death is a blind leap. The future is silent. God is a mystery. Nature is terrible. Why are we thrust, the pawns in an awful game? Why, why were we tossed, the weeds on a fathomless sea? What did the Creator of the earth mean by so seemingly cruel a waste of human sensitiveness and force? Who can find Him reasons for an apparently merciless venture at world-making? Here comes calmly upon our bluster and battle a Book whose history is so singular that its unique pretensions scarcely excite our surprise, however they influence our credulity.

It assumes to declare to us the existence of a wise and affectionate God, whose children we are, and whose purposes to us it partially explains. It presumes to treat us as immortal souls. It dares to promise us eternal life. It delights to offer us that satisfaction of body, mind, and spirit known as heaven. It does not shrink from foretelling the moral consequences of evil in this or any world. It allures us to purity. It would comfort us in sorrow. It would save us from despair. It would stimulate confidence in the Author of life, and our

trust in that sequel to it which follows death. It is true that this book fails to tell us why God made the world at all. It is as silent as reason, it is as dumb as the stars, upon this tremendous question. It is, possibly, one of the objects of our existence to learn that we are too small to ask a question of this size; that divine motives are not material for human grasp, like fossils, or mollusks, or typhoid fever. However that may be, the Bible meets us squarely upon the deepest and the highest question which the finite intellect has the right to ask: What, having made us at all, is God's moral attitude toward us? When He thrust into space this quivering ball of pain and error, did He mean well enough by it to justify the deed?

Profounder than all our philosophy, wiser than all our protest, comes the sublime and solitary answer: "*He so loved the world that He gave His only Son.*"

This magnificent reply, which theology has distorted out of its grand and simple proportions, to which science has refused its supreme reasonableness, the true human heart and the clear human head have accepted. The contortions of faith and the malice of doubt have almost equally united to shake the hold of this great re-assurance upon the world. The world will have it in spite of both. The world will have it, because it is the best it can get; and by all the iron laws of common sense it will keep the best till God or man can offer it something better.

The Bible, then, we say, is a mysterious book; as yet possibly a misunderstood, certainly an ill-understood, one; it has been as much abused as used; it has cloaked amazing error and shielded incredible crime; it has been the object of idolatrous worship and of infernal hate; it has aroused almost all the passions of humanity. The crude, emotional stages of the world's life have spent themselves upon it, like weather on a rock. Now, as we approach the ages of disciplined thought and deepened spiritual forces, the form of the conflict will change only as much as it must intensify. Already we tread a new earth, and before we have done with this "obsolete" book, we shall behold new heavens. Constellations which we now think to be there shall be found long since extinct; it is the glitter, not the star, we see. Systems now dark to our keenest telescope shall sweep shining into their seemingly vacant places; where we have blackness, we shall know light.

Far be it from me to involve any other believer in an individual conviction, or to claim to represent the shifting and various phases of faith in the Christian church to-day, by a personal theory of inspiration, when I say that the Bible of the future must be interpreted, chiefly, as a Biography.

The day may come when our views of the divine purpose, as exemplified in the Old Testament, will receive even more modification than they already have, and that is very great.

"There is no such reverential use of the truth as a bold use of it," finely says President Bascom. "No other use implies the same confidence in it."

The time may be at hand—not when all element of the supernatural shall be eliminated from a work which, so far as we can now see, must retain a measure of it as a countersign of its sacred and exceptional errand—but when the proportions of that element shall be perceptibly decreased. If the Jewish Scriptures should come to be regarded, mainly, as the religious and political records of a people whose national importance the events of the New Testament, and these alone, explain; if we find ourselves led to subject their legends and miracles to the same intelligent tests by which we have already tried their cosmogony and chronology, and if the one should share in large measure the same fate that has overtaken the other; though Eden were an allegory, and though God never told Abraham to kill Isaac, and though we were obliged to consider it doubtful whether Samson slew a thousand men with the jaw-bone of an ass,—the value of the Bible would be no more infringed than the glory of the moon is affected by the "discouraging condition" of lunar theories, concerning which a scientific student tells us that her "actual place in the heavens is now so different from her calculated place that a sailor would be misled by it, as to his longitude, five miles."

If, indeed, we come at length to prize the Old Testament,—for its matchless devotional literature, to be sure, its august historic associations and profound ministry to certain forms of human need, but mainly because it represents the genealogical stage of that great Memoir whose central Figure is the hope of the world, —the power of the Bible will no more be lost than the color of the rose was lost by the discovery of the metamorphosis of plants. That majestic Figure remains, and the details of its history advance with increasing literary and moral effect, through

the precious pages of the New Testament, to their climax. The Gospels tell the story and report the instruction of Christ. The Epistles formulate his theology. The Apocalypse is a vision of the final mystery to which all fact and all faith are tending—a vision seen by the soul that He loved best, and that may have, must have, absorbed most of the miracle of His nature.

The Biography marches on, with splendid disregard of all petty criticisms, to its great historical and ethical ends. God used such material as He had. He seems to have cared chiefly to select men who would not lie, and trusted the necessary imperfections of such a work, performed by such instruments as He could get, to the good sense of mankind.

One might almost say that it does not seem to have occurred to the Great Compiler of these scattered records that the world would ever question the main purpose or use of the Bible, because the Jews killed their captives or Matthew made a mistake in a genealogical table! How small, beside the loftiness of the divine plan which overrode the human grouping of these humanly written records, shows the peevish spirit which demands that He weed the human out of them, and because He did not, dares Him to prove that He had anything to do with them at all!

Whatever the future of Biblical exegesis may bring forth, it is difficult to see reason for believing that the miracles of the New Testament will ever be entirely "explained away"; though that may be a piece of private conservatism We have no more right, as has been well suggested, to assume that there can be no miracle, than that there can. The facts, and the facts alone, must make the theory. The scientific basis of thought has taught us as much as this. Let Christianity be too apt a pupil to forget it. The evidential proofs that Jesus possessed supernatural powers seem so far to rest where the other historical proof of the narrative does; and so far both, or neither, are to be accepted. But even supposing that candid and devout scholarship should eventually leave us little of these miraculous incidents except the great fact and symbol of the Resurrection, it is certain that we should not lose our Bible with them. We should lose nothing unless we lost the Christ. *He* is the miracle. Revelation reveals Him. He is the message of God to man. Through Him is the divine law offered to human obedience. By Him all that it has pleased the Ruler of the world to explain of His moral

government is expressed. Jesus Christ *is* Revelation, and Revelation is Jesus Christ.

The famous and familiar words of Lecky come with more force to us, just here, than any Christian estimate of this sacred personality could exert:

"It was reserved for Christianity to present to the world an ideal character which, through all the changes of eighteen centuries, has filled the hearts of men with an impassioned love. . . . It may be truly said that the simple record of three short years of active life has done more to regenerate and soften mankind than all the disquisitions of philosophers, and than all the exhortations of moralists."

What this principle of regeneration means to the race it is impossible for any one not a student of human history ignorantly to describe. What this means to the individual soul it is preposterous for any one not in personal *rapport* with Christ and his teachings ignorantly to decide.

Here we enter a phase of the argument where a certain advance in spiritual culture is clearly essential to discussion; and here those who have, and they who have not, a consciousness of their own spiritual natures, and of the famished needs and disused powers which throb through them, must stand apart.

Revelation reveals less science, less dogmatic theology, less miracle than we used to think, but more of Christ. The Bible is a frame of which he is the picture. We have no right to turn from it till we have received into, and tested by our own, that marvelous and mystic life.

When we have absorbed within ourselves his wide-reaching philosophy, his awful personal purity, his organic humanity, his supreme unselfishness,—then, and not till then, shall we have that ethical illumination which will intellectually fit us to deny that the Bible reveals the Science of Life.

ELIZABETH STUART PHELPS.

THE NAVY.

ONE of the most important subjects to be dealt with by the Forty-eighth Congress is that relating to the navy. At no time in our history has the public manifested more interest in its condition. This is significant of a feeling of insecurity in our foreign relations which is not without reason.

The object of this article is to prove:

First. That an efficient naval force is essential to the welfare of the United States.

Second. That the vessels now on our navy list are useless for any operations of modern naval warfare.

Third. That our system of naval administration, and not Congress, is to blame for this.

Fourth. That an efficient naval force may be created at a comparatively small outlay, and greatly to the advantage of our carrying trade.

Ireland verges on revolution. The agitation is actively sustained by Irish-American citizens, who seek a rupture of friendly relations between the United States and England as the only means of freeing Ireland from British domination. Money, munitions of war, and men would be supplied from the United States in the event of an outbreak in Ireland. The Government would be powerless to prevent it. The Irish element is strong enough and aggressive enough to restrain us from interfering with its plans, however willing we might be to act in good faith toward England. This must be evident to all who have watched the course of our public men whenever the Irish question is touched upon, either in or out of Congress. England has purchased her right to demand from our Government the strictest neutrality whenever she is involved in war or has to deal with revolution. Without an efficient navy to enforce neutrality, war

between Great Britain and the United States would be difficult to avert in the event of an outbreak in Ireland.

Our relations with Spain are liable at any moment to become strained by reason of another outbreak of her Cuban subjects. The revolution was smothered, not extinguished; it will remain smoldering as long as the Spaniards continue to rule with reason, but it will burst forth with violence when least expected, for Spaniards cannot reason about Cuban affairs. The coming revolution in Cuba will be in behalf of freedom, not only political but individual. In such a contest the force of public opinion in the United States will be irresistible. The cry of individual freedom for all men is one that would be heard and echoed by all classes in this country whenever raised. Diplomacy, however astute and far-sighted, cannot restrain the active sympathy of a free and powerful people for the enslaved and oppressed, and this sympathy becomes intensified and aggressive when the race is the same. The time is near by when the American negroes will be as active in seeking the freedom of the enslaved and oppressed members of their race in Cuba, as the Irish-Americans now are in seeking the overthrow of British rule in Ireland.

With Mexico our relations are now most cordial and friendly; but we are sowing the seed of discord that may ripen into war. American capital is now being invested in Mexico to an extent that is not generally appreciated. The investors are among the most prominent political and commercial "bosses" in this country. If revolution in Mexico endangered their property, armed intervention would follow.

Our relations with France must sooner or later become strained through her possession of the exclusive right of way over the shortest route across the American isthmus. By right of purchase a French company will very soon come into possession of the Panama railroad, one of the most important links in American inter-state communication. Whether republic, monarchy, or empire, France is ever ready to guard and defend the property of her citizens. The exclusive rights granted to citizens of the United States by the Government of New Granada cannot but clash with the interests of a French company in control of the Panama railroad.

The control of the Panama railway by a foreign company would be as irksome and as much opposed to the interests of the

United States as if it were a canal. We must be prepared to maintain our rights on the isthmus, and our only means of maintaining them lies in the possession of a powerful naval force in the Pacific as well as in the Atlantic.

However conservative and conceding may be our future policy with Chili, the seeds of discord have already been sown and must sooner or later cause us serious controversy with that republic. An aggressive foreign policy has its supporters in the United States, perhaps not so numerous as the opposite policy, but unquestionably numerous enough to compel us to resent any act of Chili that has the semblance of snubbing.

The immensity of our coast line, the proximity of Bermuda and Halifax, where the British maintain large naval establishments equal to any we possess, the long voyages necessary to effect a reënforcement of our Pacific fleet by a detachment from the Atlantic and the inverse, combine, with the foregoing considerations relative to our foreign relations, to demonstrate conclusively that an efficient naval force is essential to the welfare of the United States.

That the vessels now on our navy list are useless for any operations of modern warfare is conclusively proven by an analysis of the report of the Advisory Board, which reveals a condition of the navy far worse than even naval officers themselves had anticipated. Whoever reads the report and accompanying documents, and compares the qualities of our naval vessels with those of other nations, must be impressed with the fact that our naval force concentrated at one point of our coast would be inadequate to defend it against the attack of a fleet of modern war-vessels.

Analyzing the report, comparing it with the latest naval register, and taking into consideration notorious facts concerning several of the vessels classed as "in good condition," or "serviceable," result in fixing the number of vessels that are to-day available for war service at fourteen unarmored cruisers and twelve old-fashioned monitors. The fourteen cruisers are scattered over the globe, or, as it is generally put by naval officers, "distributed among our foreign squadrons," and under the most favorable conditions could not be collected to form a fleet in less than six months. Their value for modern naval war service may be estimated from admitted facts, which are briefly as follows: The guns they carry are of obsolete types, long

since discarded by other nations. The fastest of the fourteen, which is also the swiftest vessel built expressly for the navy, has a maximum speed under the most favorable conditions of 12.9 knots per hour, which would be equivalent to a mean speed of eleven knots per hour for a day's run. The maximum speed of the slowest is seven knots per hour, which is equivalent to about five and a half knots per hour for a day's run. The mean sea speed of the fourteen is about eight knots per hour. But the speed of a fleet is that of its slowest ship, and therefore the best fleet speed at sea of the fourteen vessels available for war operations would be five and a half knots per hour. The stowage capacity for coal of all our vessels, and notably the fourteen available for war service, is so low that a fleet formed of them could not keep the sea long enough to steam at full speed nine hundred miles. Such a fleet could not operate against Bermuda, Halifax, or even Cuba from any United States port as a base. There is not an efficient ram in the navy. The Trenton, designed for ramming, has such comparatively low speed, and requires so much space and time to turn in, that she is useless for that purpose. Not one of the vessels on our navy list could operate advantageously against an enemy's commercial shipping. There are but three with a maximum speed, under the most favorable conditions, of twelve knots per hour. Without guns to fight and speed to escape from armed vessels, without coal capacity or speed to operate against unarmed ones, the unarmored vessels of our navy are utterly worthless for war service.

As to the twelve monitors or armored vessels, comparatively their availability for war operations is less. They do not carry a gun that would, if fired from a distance of one thousand five hundred yards, produce more than a slight indentation on the armor of the iron-clads of the world built since 1865. Every foreign sea-going armored vessel carries one or more guns that would penetrate the side-armor of our monitors at this distance, and their turrets at one thousand yards. The maximum speed of our monitors is four knots per hour. It would be difficult and generally impossible to get any iron-clad built in Europe during the last fifteen years down to a speed of four knots an hour with her engines in operation. The officers of foreign iron-clads would, therefore, have only to select their distance from our monitors, and proceed with great deliberation

to the amusement of destroying them. Monitors are not, nor have they ever been, effective vessels for coast defense. If carefully battened down and tightly corked up they may safely make very short sea voyages. But their limited sea-going qualities, low speed and fuel capacity render them useless for operations at sea. As against forts this type is unquestionably superior to any other; but to operate against foreign forts sea voyages are necessary, and ability to keep the sea for long periods and to fight at sea under all conditions are essential to success.

Whoever reads the official reports that are issued from the department, and the comments of naval officers, as well as laymen, on the navy, must be impressed with the unanimity with which it is condemned as inefficient and useless for the purpose for which it exists—war.

The responsibility for this condition of affairs must be fixed definitely somewhere. If we compare the annual appropriations for the maintenance of our navy since 1865 with the amounts expended on foreign navies, it will appear that Congress has most liberally provided the means to maintain an efficient naval force. Take as an example the naval budgets of different countries for the five years, 1875–1879 inclusive. There we find that England, France, and Russia have expended more than we have, and all others much less. Italy has expended on her navy less than one-half the amounts appropriated by Congress for the United States navy. The average annual expenditure of Italy for the five years was $8,214,578—that of the United States was $19,157,234. We ought, therefore, to have a naval force at least equal to that of Italy. Every pound of iron and every piece of machinery that enters into the construction of an Italian vessel of war is purchased out of that country, while the materials that go to create an American man-of-war are all made in America. We have every advantage over Italy, except in the cost of labor, and in this we are not at great disadvantage, for in the United States labor-saving machines tend to equalize the cost of results as compared with other countries. If our naval administration had been efficient, we should to-day possess an effective naval force double that of Italy. Instead of this, we really have none worthy the name, while Italy ranks third among the naval powers in effective fighting vessels. A comparison with the Austrian expenditures and the Austrian navy will be still more damaging to our system of naval administration. The expendi-

tures of Austria have been one-fourth those of the United States; yet she has created and maintained an effective fighting force of fourteen heavily armored vessels, most of them of equal efficiency at sea or in harbors, armed with the most powerful rifled guns, and capable of offensive or defensive operations. Besides these iron-clads, Austria has maintained a fleet of unarmored vessels of superior efficiency to ours.

There must be something radically wrong in our system of naval administration that it cannot, with four times the expenditure, maintain a navy as efficient as that of Austria. The first duty of Congress is, therefore, to provide a more efficient naval administration—one, also, less costly and less cumbersome. Under the present system, the hull, the engines, the guns, and the sail power to comprise a man-of-war are designed independently of each other, in the different bureaus, the officers of which generally entertain antagonistic views on every question that arises. The system requires eight distinct and independent organizations in each navy-yard, nominally under one commandant, but really receiving orders from their respective chiefs in Washington. Its absurdity and extravagance may be judged from the fact that each organization has its own workshops for each branch of mechanical operations, its separate executive staff of clerks, draughtsmen, and designers, besides its own foreman, watchman, messengers, mechanics, and laborers. If the object in establishing a bureau system for naval administration had been the multiplication of offices, the division of responsibility, and the obstruction of work, it may be regarded as a success without parallel.

The antagonism that exists between line and staff had its origin in the bureau system. The cliques that have become the curse of naval life are the result of that system. The extravagance exposed by the Forty-sixth Congress would have been possible under no other. In brief, the demoralization of the *personnel* of the navy, under the bureau system, has been as rapid and as general as the deterioration of the material. The defects of the system are too glaringly apparent and too numerous for any one to find even an excuse for continuing it. The fact that, for an expenditure averaging over twenty millions a year, for the last ten years, it has nothing to show, should be enough to induce Congress to set it aside summarily, and to substitute something else.

It is not justifiable to destroy any part of our complicated and delicate social machinery called government, however defective, until we are prepared to substitute something that is better. It is not right to prove that our bureau system of naval administration is bad, without suggesting a better. The essential features of a new system to be inaugurated would be concentration of authority and responsibility; a single directing administrative civil officer, aided and advised in professional matters by a board of recognized naval experts, acting conjointly on all matters referred to them. The administrative officer should be compelled by law to submit to the advisory board of experts for examination, and report all matters pertaining to construction, repair, equipment, armament, and manning of naval vessels, navy-yards, and their accessories. He should have discretion as to accepting or rejecting the decisions of the experts, but in the event of rejecting them he should be compelled to file with the report submitted to him his reasons in detail, all of which should be within reach of the public press, and therefore subject to public scrutiny. In the event of waste or extravagance resulting from the rejection of the advice of the experts, the administrative officer should be liable to trial and removal by a court of justice. The administrative officer should be the Secretary of the Navy. The board of experts should be selected by the President — one from each of the grades of captain, commander, and lieutenant-commander or lieutenant, one from the engineer corps, and one from the corps of constructors. At least ten years of actual service at sea in naval vessels, and an age not exceeding fifty-five nor less than thirty years, should be essential qualifications. The length of service of each member on the board should be limited to three years. To effect a gradual change of membership, the first terms of service of four of the five members should be two and a half, two, one and a half, and one year, and vacancies for unexpired terms from death, resignation, retirement, or dismissal should be filled only for the remainder of that term. Removals should only be possible by sentence of court martial. Such a system would insure independence of thought and action by the board, and obviate the possibility of a corrupt administrator packing it with his tools. The board should be without initiative authority of any kind. Its duties should be advisory only.

Under existing law, the Secretary has the power to detail as many officers, of any rank and corps, as he pleases, to act as aids in the performance of his administrative duties. This power should be retained, but the aids should be without separate authority, and the Secretary should be specifically and personally responsible for every official act of the department. The chief clerk of the department should be designated by Congress as Acting Secretary, with full power during the prolonged absence of the Secretary or a vacancy in the office.

One of the chief objections to the bureau system is, that it is beyond the reach and out of the influence of the active and most capable officers of the navy, and subject to the log-rolling, wire-pulling, time-serving influences of civil and naval politicians of the worst type, who hang about the department and Congress and persistently seek their own advancement, or thrust themselves by force of cheek into positions they are not competent to occupy and do not deserve.

Our naval policy is also defective and needlessly expensive. We maintain from twenty to thirty vessels in commission, cruising in foreign waters under the pretense of "showing the flag," "protecting commerce," and "policing the seas." Four of the most efficient of these are in Europe; as many more in the North Atlantic. Italy, with a much greater tonnage engaged in foreign trade, and with her citizens scattered all over the world, has only four cruisers in foreign waters, and her interests do not appear to suffer in comparison with our own. The estimated annual cost of maintaining our four vessels in European waters, and providing reliefs for them, is $3,000,000. Let some one point out the benefits to the country resulting from this expenditure. If it is for instruction and experience, why Europe? Why not Patagonia, or Oceanica, or other localities where there is work to be done, and valuable information to be collected that would be of benefit to the whole world, and reflect credit on the country, and especially the navy? Actual work, something having an object, would bring about a higher efficiency in naval training than aimless cruising where temptation and diversion exist on every side.

It is within bounds to say that at least ten millions of dollars a year have been squandered in the maintenance of ships in foreign waters, without one thing to show for it, without a tangible result, without even an ideal object.

The annual appropriation for "pay of the navy" is about $7,000,000, which does not include the pay of civil employés. Four-fifths of this enormous sum has been absorbed in the payment of officers and sailors that have formed the crews of vessels cruising in foreign waters without aim or object. At least one-half might have been applied to the creation of a navy that would be available for service. There is no stipulation of law that requires enlisted men to be sailors; of the 7,500 men authorized, at least 4,000 mechanics should have been enlisted and employed in the navy-yards, utilizing the vast quantities of old material that presents, according to the last annual report of the Secretary, "a ghastly and discouraging appearance," and costs so much to preserve, by converting it into material available for use by means of the costly plant that lies idle in these yards. It is well within bounds to assert there is enough of this old material, and enough suitable machinery for converting the same, in each navy-yard, to make one efficient vessel, fully armed and equipped.

Almost all naval powers employ enlisted mechanics in their arsenals, very much to their advantage, and not less to the advantage of the mechanics themselves. One of the measures annually presented to Congress is to make provision for navy-yard employés who have been injured or grown old in the service. If they were enlisted men no new law would be required. Other governments find no difficulty in getting the most skillful mechanics to enlist, and they have nothing like the advantages to offer them which we have. Proportionately to the cost of living our wages are higher, our pensions larger, our hours of work less. If this system were once inaugurated, the naval establishments would be freed from the curse of political influence in the selection of employés. The navy complains that work done in our navy-yards costs much more than that done in private establishments, owing to the class of employés forced on the former by political influences being much below the standards of the latter. A mechanic enlisted and amenable to military dicipline could be made to work. He, moreover, would not hesitate to give an equivalent for his pay, when so doing he felt secure against removal without cause, and knew that in the event of accident or the attainment of old age he would be provided against want by a pension. Every naval officer and every man in public life knows, but too well, the evils of our

present system of employing civil labor in our navy yards. The remedy lies wholly in the hands of the Navy Department. Five thousand enlisted mechanics, employed three hundred days, or one working-year, at three dollars per day, would be equivalent to four millions five hundred thousand dollars, for labor. Intelligently directed this expenditure of human force and skill would work a revolution in our navy in a very short time. As labor and material enter into the construction of war vessels at the ratio of sixty per cent. to forty per cent., three of the most powerful rams for coast defense, fully armed and equipped, could be turned out annually from our navy yards after the first three years. If there are not enough capable officers to intelligently direct this labor through every stage of creating a ship from raw material the country has a right to demand an explanation. The pretense that the employment of a considerable part of the naval force allowed by Congress as mechanics in the yards would result in leaving us without trained mariners in the event of war is hardly worthy of refutation. Where is the advantage of having trained seamen if we have no efficient vessels for them to man? It takes three years to build a modern fighting ship; and six months to perfectly train a crew to fight one. An adequate supply of trained mariners for a naval war cannot be provided by our present system of three years' service. The length of service for enlisted men serving afloat should be limited to one year. We would then be able to train effectively as many men as we do now, even if the number of enlisted men afloat were limited to two thousand five hundred, and the training of our merchant seamen would become more general, and the source of supply, in the event of war, be greatly enlarged.

It would clear away the mists that hang around the official naval minds when discussing the classes of vessels needed for our navy, if the axiom that a navy exists for war puposes only was kept constantly in view. Referring to the report of the Naval Advisory Board, we find that it was constituted to recommend the class of vessels best adapted to meet the exigencies of the navy at the present time. In utter disregard of this axiom, the Board proceeds to recommend classes of vessels to meet "the various requirements of the different squadrons for surveying, deep-sea sounding, the protection and advancement of American commerce, exploration, the protection of American life and prop-

erty endangered by wars between foreign countries, and service in support of American policy in matters where foreign governments are concerned." Every contingency is considered but that of war. First in order are surveying and deep-sea sounding. The inference naturally is that these are a necessary part of the duties of our naval vessels in commission; yet if we examine the last annual report of the secretary, we find that of the thirty-two vessels in commission, forming our home and foreign squadrons and on special service, the *Ranger* was the only one engaged in surveying. None were then engaged in deep-sea sounding. In these occupations there is a wide field for the navy when not occupied with war. The whole Pacific ocean remains to be explored and correctly mapped. Not more than one-third of the coast line of the world is delineated on existing charts with approximate accuracy, and but about one-tenth of it has been accurately surveyed. Of the ocean beds we are practically in ignorance. In the wide range of scientific exploration and research there is nothing that offers to the navy, unoccupied as it is, a more promising field for useful work. The configuration of the ocean beds must be known before we can determine the causes of ocean currents. There lie hidden in the path of the mariner thousands of dangers that reveal themselves frequently and at unexpected moments, causing great sacrifice of life and property. To find these, and define their position so that they may be avoided, may well be considered the first and most essential duty of a navy during times of peace. No better service could be found for training officers and men.

"The protection and advancement of American commerce," in the opinion of the Advisory Board, is another of the "pressing needs" for which more naval vessels are required. Webster defines commerce as "the exchange of merchandise on a large scale between different places or communities." What part naval vessels would be called upon to perform in its protection and advancement does not appear from the report. Protection and advancement do not necessarily go together. The policy that Congress has pursued, in connection with our merchant-marine, may be termed protection and destruction. If by commerce the Board meant commercial vessels, the meaning would not be less obscure. "The exchange of merchandise" by water, between ports of the United States, does not appear to need "protection and advancement." That between the United States and foreign

ports is carried on by means of foreign vessels, that can have no need of our protection. Even if American foreign commerce was carried on mainly in American ships, the need of its protection is not apparent. Where in the whole world to-day does an American ship need protection in order to receive or discharge its cargo? What naval vessels are engaged in convoying American merchantmen at sea, or protecting them in port? "Protection and advancement of American commerce" is a phrase without a meaning. In this connection, it would be instructive to ascertain what ports were visited by our naval vessels in 1881, how many days were spent in each, and how many American merchant vessels had visited these ports. From this it could be determined just how much protection our navy afforded to American commerce, and the need of such protection. Other nations do not find it necessary to protect their shipping engaged in foreign trade. England, France, and Italy do nineteen-twentieths of the foreign carrying trade of the world, and find no need of such protection. England maintains a very large naval force in commission, but not in foreign waters. It is maintained for the defense of her home ports and colonial possessions. A few of her small cruisers are stationed in foreign waters exclusively. France and Italy have, together, ten times the amount of our tonnage engaged in foreign trade, and maintain no naval force in foreign waters for its protection. American commerce may be advanced by the navy only in rendering its pathways secure for navigation.

"Exploration" is another object specified by the Advisory Board as demanding an increase of the navy. This may be regarded as coming under the same head as "surveying and deep-sea sounding." It has already been shown that there is abundant work for the navy in these directions while not occupied with war. If the naval service was really in earnest in this matter we might expect to find a considerable portion of it so occupied. Exploration of the great African rivers that flow into the region comprised within the limits of the European station is demanded; yet what vessel on this station has ever been so engaged? Exploration of the great rivers that flow eastward from the Andes through Patagonia would seem to offer a tempting field; yet no United States naval vessel has recently entered the Santa Cruz or Rio Negro. In this region the climate is such that prolonged absence and exposure in boats

or steam-launches would not endanger life. Yet we find our naval vessels on this station frequenting the ports of Brazil, where yellow fever prevails, and at frequent intervals breaks out among their crews. More deaths have resulted from dissipation in the slums of Rio Janeiro than could by any combination of circumstances have occurred from explorations of Patagonian rivers. The officers on board of naval vessels in commission are competent to make observations and surveys, and to prepare the original sheets from which charts are made. The training of youths in the naval academy comprises every requisite for such work, including drawing. Explorations, surveying, and deep-sea sounding afford the best means of training officers and crews for the duties and hardships of actual warfare. They would teach self-sacrifice and endurance, which are, next to courage and ready resource, most essential to them. They would habituate the naval mind to the real object for which Congress grants such liberal appropriations to maintain the navy; namely, service, not pleasure. They would reawaken the spirit that actuated the old naval heroes whose fame is world-wide. They would be the means of gaining and retaining public sympathy and support.

Vessels best adapted to modern warfare are not the best for surveying, exploration, and sounding. These occupations may be resorted to by naval vessels, not occupied in war, as a means of useful employment, combining with it instruction, and as a means of preserving the organization for fighting. Every other occupation of a naval force, known to our day, involves its possible or actual use in warfare. "The protection of American life and property endangered by wars between foreign countries, and service in support of American policy in matters where foreign governments are concerned," involve not only a demonstration, but an exercise of force, and necessarily, therefore, require fighting ships.

In the re-creation of our navy the only question to be considered is, what classes of vessels are best adapted to possible offensive and defensive naval operations that may be forced on the United States.

In the commencement of this paper it was shown that England, France, Spain, and Chili, are the naval powers with which we would be most likely to have wars. The British fleet is more powerful than the other three combined. The aggregate first

cost of the British iron-clad fleet available for war operations is closely estimated at three hundred and fifty millions of dollars, including armament, equipment, and outfit. A fleet of iron-clads that could cope with the British fleet successfully in actual battle would cost not less than five-hundred millions of dollars if built in the United States; and it would require not less than fifteen years to complete it. But the British fleet is Great Britain's strongest point. In warfare, attacking the enemies' weakest points and strengthening your own are the essential elements of success. England's weakest point is her vast foreign commerce, scattered, as it is, all over the globe, and carried on, as it is, by means of costly steamers. Paralyze her foreign commerce, capture, destroy, or imprison in port her merchant steamers, and the fabric on which British power and naval supremacy are based would collapse abruptly. A successful invasion of her North American possessions and the occupation of her West India Colonies would have less effect than the destruction of half a million of her eight million of steam tonnage. To neutralize the stupendous fighting power of the British navy, and not to contend with it, is the only rational policy for the United States to pursue.

A large number of exceptionally swift cruisers, capable of catching everything they pursue, of escaping from everything of superior force besetting the ocean highways, and destroying every British vessel intercepted, would soon bring her to terms. Against such vessels scattered over the globe the British navy would be powerless.

The essential qualities of cruisers for such a purpose are: Prodigious speed, large capacity for coal, comparatively few and very long range guns, and the fewest men possible. The number needed for effective operations simultaneously on the most frequented ocean highways would be thirty or forty. Fighting would not be the business of such vessels. Destruction of unarmed trading steamers may seem an inglorious object for a navy to be devoted to, but if the pursuit of this object will insure a more speedy restoration of peace than any other method of warfare, it is fully justified.

A sufficient reason for small crews for these cruisers is the limited number of mariners that would be available in a war with Great Britain. Very long range guns would tend to materially shorten the chase. Sail power should be provided as

an auxiliary means of propulsion during peace. Everything above the bulwarks and pertaining to sail power should be landed anywhere, or thrown overboard, on the breaking out of hostilities. During the late rebellion the vessels with high sail-power made comparatively very few captures of steam blockade-runners. The Alabama had sail-power, because she was in pursuit of sailing vessels mainly. We had few steamers for her to capture; England has now little else than steamers.

The report of the Advisory Board recommending but two fast cruisers indicates that the destruction of British shipping and paralyzation of British commerce, in the event of war, were not in their catagory of possible uses for a navy. Vessels having less than an average sea speed of fifteen knots per hour cannot be deemed exceptionally swift. The average sea speed of steamers under construction in England to-day exceeds thirteen knots per hour. A sea speed of fourteen knots would be inadequate for cruisers, because one knot advantage of speed is not enough to dispose of a chase in daylight, and a chase that can be prolonged until dark is equivalent to escape for the vessel chased.

Another important consideration as regards high speed is the necessity for frequent and rapid change of cruising ground. The success of the Alabama was due to her not remaining long enough on one cruising ground to be intercepted. Liability to interception, and the laws of neutrality that England has paid so dearly to establish, would close the foreign ports of the world to our cruisers as coaling stations, in the event of war. These and other considerations, too numerous to produce here, demand that all naval vessels built in future for ocean service should have an average sea-speed of not less than fifteen knots per hour, and a storage capacity for three thousand tons of fuel. To satisfy these conditions a displacement of six thousand tons would be necessary. Moderate draft may be secured by giving comparatively great beam and length to depth. This would permit of the application of the motive power to two, or even three independent screws which would have at least two advantages over its application to one screw. Without sail-power the cruisers proposed would be helpless in the event of derangement of their machinery. Liability to this would be diminished one half with two screws and one-third with three. It is conceded that the proportion of cost of machinery and consumption of fuel to power developed, is increased by

dividing its application, but this increase is of no consequence when compared with the advantages of having liability to being rendered helpless reduced to one-half or one-third. Another important advantage in double and triple screws is the diminished weight and size of single pieces of the machinery which would facilitate construction, repair, and manipulation, and enable the vessels to keep on board a greater proportion of spare pieces applicable to either engine. Recent experiences with enormous machinery have indicated that the limit of size for shafting and other parts subjected to twisting strains has been almost reached in the largest transatlantic steamers.

As to the material of which the swift cruisers should be constructed, there is no room for argument. By the use of steel, a saving of at least twenty-two per cent. over iron in weight of hull is secured, without materially increasing the cost. The manufacture of low grades of steel has taken such rapid strides toward economy, that the difference between iron and steel of equivalent strength and durability, is already very small. The demand for steel being greater than the supply, the high price is in a measure sustained, but the relative market prices are rapidly becoming equivalent. One of the weakest recommendations of the Advisory Board is that, "twenty ten-knot vessels of about seven hundred and ninety-three tons displacement should be built with live-oak frames and planked and ceiled with yellow pine." The reasons given for this recommendation are that the lumber is on hand, "our eastern workmen" are familiar with wooden ship-building, and the resources of the country in this material are great. The reasons are manifestly inadequate, if not absurd. Because the naval appropriation has been squandered in purchasing timber that was not needed, is no reason for inflicting on the country an obsolete type of vessel. Wooden hulls for steamers are things of the past The reasons for this are widely known, and generally admitted. Prominent and most apparent is the rapid deterioration of timber from the action of heat radiated from the boilers and machinery, the action of moisture condensed from escaping steam and collected in the bilges through leakage of cocks and valves, and the vibration of the machinery in motion. Next to this is the impossibility of constructing a serviceable wooden hull, strong enough to resist the racking of high speed, for any length of time. The cost of maintenance in serviceable condition of the wooden hulls that

now form the majority of naval cruising vessels, when reported to Congress, will illustrate more forcibly than anything else could, the insufficient consideration given to this subject by the Advisory Board. It is held in Europe that the average life of an iron steamer is five times that of a wooden one, and that the cost of repairs to, and preservation of the hull of an iron steamer during any period of its life, is about one-fifth that of a wooden one.

The greater familiarity of "eastern workmen" with wooden ship-building has nothing to do with the question, what classes of vessels are best suited to naval warfare. As a matter of fact, the number of skilled mechanics available for constructing iron ships in this country is far in excess of the number available for building wooden ones. This must be evident from the fact that every boiler-maker, every bridge-builder, and every blacksmith, in fact every man who knows how to rivet or caulk iron is essentially an iron ship-wright.

If the resources of the country in timber are good reason for building wooden hulls, what shall we say of its resources in iron? It may have escaped the notice of the Advisory Board, that our diminishing resources in timber have begun to cause grave apprehension to those familiar with the waste and consumption of the last three decades; and that the extensive substitution of iron for timber in all branches of manufacture and building is the direct result of the cheapening of the one and the increasing cost of the other.

If the United States navy contained nothing but swift cruisers, it would be inadequate to wholly neutralize the fighting power of the British navy. We must provide the cheapest effective means of defending our ports against British iron-clads. The defense of southern ports and rivers during our late war without a naval force, although not invariably successful, was certainly remarkably effective, when we consider that the attacking force comprised the most formidable armored vessels and carried the most powerful guns then known. The defenses consisted of earthworks, speedily thrown up, and torpedoes of the simplest construction extemporized for the occasion. Both have been studied and improved on. But in few things, certainly not in guns or armor, have there been such strides towards perfection as there have been in the development of torpedoes. It has not been sufficiently dwelt on, in the discussion of coast and harbor

defense, that the destructive power of torpedoes against hulls has steadily increased, while the resistance of hulls to torpedoes has remained the same. Defense against torpedoes is limited to the use of torpedoes. Armor-plating hulls below the water line, even if practicable, would not resist their destructive force. Nets, booms, and all other guards around ships, are embarrassing to the ships, without affording security against offensive torpedoes. The only devices yet suggested for destroying torpedo defenses, submarine mines, are counter-mines and dragging—the one by concussion, the other by severing the electrical connections. It must be evident that conducting such operations would be impracticable from an attacking fleet, operating far from its base, under fire of land batteries. Not the least important feature of torpedo defense is the readiness with which small harbor craft, steamtugs, launches and yachts may be converted into formidable torpedo boats. Let it be known, for instance, that a British fleet was expected to attack New-York, even with the inadequate facilities we possess, every tug, etc., in the harbor could be converted into a torpedo boat in ten days. We could well afford to sacrifice twenty tugs to the destruction of one Inflexible. And does any one suppose that a simultaneous attack of ten tugs, fitted with torpedoes, on any armored vessel in the world, would fail to destroy her?

The question of harbor defense, therefore, is not one that concerns the navy beyond a systematic inquiry into the qualities of every steam harbor craft available for torpedo warfare, and a determination in advance of the best methods of applying torpedo apparatus to each one. Stationary torpedoes for harbor defense and land batteries, are matters that concern the army, not the navy. If the means of applying torpedo apparatus to tugs, &c., so as to make them effective for attack has not been developed at the torpedo station at Newport, Congress is certainly not to blame.

The question of coast defense is one that exclusively concerns the navy. It would be impracticable to adequately fortify every available landing-place for an army on our enormous seaboard. This is our weakest point as England's wide-spread commerce is hers.

Taking into consideration the enormous cost of armored vessels, the length of time necessary to build them, and their very short life of usefulness compared with other vessels, we should

not provide them for coast defense, if any other classes of vessels can be made available. An iron-clad, to be really formidable, must be of enormous size and therefore unwieldy. If the cost of a first-class modern armored vessel is estimated as low as three million five hundred thousand dollars—and this is very low—is there not some way of converting this enormous sum into vessels for coast defense that would be effective against one such iron-clad at sea, have a longer life of usefulness, and be more rapidly constructed? For this sum, not less than six formidable rams of high speed, with one heavy gun and small storage capacity, could be constructed. It is absolutely certain that in an action between the most powerful iron-clad in the world and six moderate-sized rams the iron-clad would be speedily sunk. Admitting that she succeeded in destroying two of the rams before she was sunk, the balance would be four rams. This leads to the inevitable conclusion that a fleet of rams is what we want for coast defense. Not hampered with armor, operating near bases of supplies, capable of moving rapidly to the defense of any point, acting always in groups, there is no doubt whatever that the ram offers us the best means of strengthening our weak points. A fleet of twenty rams for the Atlantic and ten for the Pacific should be constructed at the earliest possible date. The design is a matter that needs careful consideration, but it is not necessarily difficult of determination. A displacement of two thousand tons would be ample for eighteen knots maximum speed, and the very small stowage capacity required for vessels engaged in coast defense. One powerful gun, mounted *en barbette*, protected by a shield of steel thick enough to resist penetration by the improved Hotchkiss revolving cannon, which is aimed from the shoulder, would be enough armament for each ram. In the race between guns and armor, guns are far ahead, and the unarmored ram suggested would have the advantage over her iron-clad adversary of being provided with the means of *flanking* as well as penetrating her armor. The Inflexible is believed to be the most formidable iron-clad afloat. There are few naval officers who would hesitate to attack her with two rams costing half a million each; and the chances of sinking her by a simultaneous attack of four rams that would cost together about half of what she has cost, would be overwhelming.

Besides an efficient navy, the United States needs, more than anything else, the development of ship building and associate

industries. The re-creation of a navy may be made the means of such development. The rapid strides made in England during the last twenty years in ship building, are due mainly to the enormous expenditures of the Government in private ship yards. Every engine, and about one-fifth of the tonnage of the British navy has been contracted for. The average annual expenditure in private ship and engine building yards is estimated at $15,000,000. While it is true that England has never directly subsidized her iron ship-building industries, it is undeniable that the vast sums she has spent with them is more than anything else the cause of their prodigious growth. Let us profit by her example, and seize the opportunity to catch up with her.

When iron was substituted for wood as a material for ship building, England had us at a disadvantage, in that we were engaged in settling a sectional dispute that absorbed our resources and our time, while she was exceptionally free from such occupations. Now that steel is on the threshold of substitution for iron, we have our opportunity to surpass her in economic ship-building, and, as a consequence, in the world's carrying trade. A steel ship, costing the same, will earn about eleven per cent. gross more than an iron one under identical conditions. As the ocean commerce of the world is carried on by those who do the work cheapest, building steel ships will enable us to compete with our great rival on the ocean.

The general features of the cruising vessel here proposed are the same as those of a first-class transatlantic steamer. Orders for building thirty such vessels in private yards, would stimulate ship-building, and insure its permanent extension. Let Congress enact that twenty of the cruisers here proposed be built on the Atlantic coast, and ten on the Pacific, and at least two new establishments would be created to build them. The importance of having a first-class steel ship-yard on the Pacific cannot be overestimated. Of the crude material from which and by which steel is made, Washington Territory would furnish an inexhaustible supply. Unskilled labor is neither scarce nor expensive; skilled labor could be obtained from the crowded ship-yards of the Clyde, the Tyne, and the Thames with ease. The rams should be built in the navy-yards, and the debris that now goes under the name of "United States Navy" should be sold or utilized in their construction. Two-thirds of the men

now allowed by Congress to be enlisted for the navy, should be enlisted to serve as mechanics in the navy-yards to build these rams. All vessels now serving on foreign stations, where peace prevails, that are not engaged in exploring, sounding, or surveying, should be recalled.

It is the duty, no less than the right of every citizen, to discuss, to the best of his ability, all matters pertaining to government and public policy. And as every man should have the courage of his convictions, there can be no impropriety in a naval officer expressing them frankly and honestly on matters pertaining to the navy.

HENRY H. GORRINGE.

CONVERSATIONS WITH A SOLITARY.

I.

Scene: A SMALL, FANTASTIC VILLA, IN A REMOTE PART OF THE ISLAND OF JERSEY.

ALISON.—Come, my dear Franklin, take that easy-chair in the low window. Wait—let me turn it round a bit, and then you will see the view. It is a wild prospect, isn't it? To your right, between those laurels and through the belt of stunted larches, you can just catch a glimpse of your own little bleak hotel: but it, with its white walls, is the only human abode visible, unless you count those on the French coast opposite. Look at the high downs, reaching for miles and miles, and at my two granite headlands, inclosing the cove below us. How grandly they dip down to where the blue waves are splashing!

FRANKLIN.—I was never in a place that gave me so strange a sense of remoteness. It almost oppressed me when I woke up this morning. I went out after breakfast, and there were the downs you speak of. There were plenty of sheep on them, but not a single shepherd. In all the landscape there was but one lonely man. I went up to him, and that man was you. I had not seen you since the day when we took our degree together. One forgets how time passes, but that must be ten years ago.

AL.—Many things happen in ten years. We are probably both altered; you certainly are: indeed, you saw this morning how at first I hardly knew you again.

FR.—I knew *you* at once. The only change in you is that I find you living in a solitude. You have been here for three months, you tell me.

AL.—For rather longer, I think. Forgive me for staring at you. Why, my dear fellow, how smart and spruce you have grown! At college you were a student, every inch of you. You cared nothing about your clothes; your beard was never trimmed—Franklin!——

FR.—Why do you stop short like that?

AL.—What a fool I have been! I begin at last to put two and two together. It is you, then—you, my old friend, the exhibitioner, whose rooms at college were so close to mine; you are the Franklin whose name I have so often seen in the papers. Of course you are. Now I know all your history. You went out to America to be a school-master; but you became, instead, a partner in a great firm of manure-merchants. Three years ago, you returned and settled in England; and at the last general election you were created a member of Parliament. They say, too, that you are a millionaire.

FR.—I don't know about that. Whatever I have now, I at least started with little; and very few people are half as rich as they are said to be.

AL.—Anyhow, my dear fellow, your riches have done one thing for you. I can see that they have made you happy.

FR.—I do not deny my happiness; but let me tell you what it comes from, and how far my riches are concerned in it. That I am married happily, and that I have a happy home, is due, not to my riches—it is due to my having a competence. I have no social ambition; I care neither for dukes in cabinets, nor for duchesses in drawing-rooms; and I don't value riches for the social prestige they give me. I value them for a very different reason—because they widen my sphere of duties, and make me conscious that I am at work for multitudes. There is no sense like that for elevating and humanizing a man.

AL.—And what special direction does your beneficent action take?

FR.—I can see you are laughing at me, but I rather like your laughter; it reminds me of old times. I am a tenant-farmers' representative, and I am anxious for a reform of the land-laws. I have come to Jersey to examine the system there.

AL.—I came to Jersey for a very different reason. Look at me: can't you guess it? No, no; I can see what you are thinking of; but I'm not ruined yet, and I'm not in hiding from my creditors—though, when you have reformed the land-laws, it will

probably come to that. You're puzzled? Well—it is only a private matter. We will let it pass, and you shall tell me about your schemes for spoiling us. We are wicked people—we, whose occupation is the owning of land, even though we are essential to the holiest thing in democracy—the indignation against ourselves.

FR.—You are still laughing at me. You as little think in reality that you deserve spoliation, as you think that we Liberals have any wish to spoil you. You know quite well that you have not the least apprehension of suffering by us.

AL.—To be honest, I do know it. Let your measures be as sweeping as your extremest leaders can make them, I do not think I shall be a sufferer—not, at least, if I finish the business that brought me here, and which, plain as I thought it, you just now failed to guess.

FR.—I must try the riddle again. You are preparing for political life, perhaps; you are hatching some Tory plot—though this is hardly a convenient place for meeting your fellow-conspirators.

AL.—I meet nobody here, and I rarely correspond with any one.

FR.—What do you do, then? Are you living in utter idleness?

AL.—No; I am very busy. I read and think.

FR.—And perhaps you write also?

AL.—Some notes—yes. I certainly write down some notes; but I am not ambitious to make a figure in literature. I moon about, and converse with my own thoughts. I often get as far as the common where we met this morning. I often descend to a shingly beach below us; and, when the weather is warm, I sometimes sit there for hours.

FR.—And will you let me ask what you do there?

AL.—

> "I see the deep's untrampled floor
> With green and purple sea-weed strown;
> I see the waves upon the shore,
> Like light dissolved in star-showers, thrown."

FR.—You do, do you?

AL.—You are laughing at *me*, now, my dear practical man. Yes, that's what I do. Does Shelley's verse annoy you?

"I sit upon the sands alone;
The lightning of the noon-tide ocean
Is flashing round me, and a tone
Arises from its gentle motion!
How sweet did any heart now share in my emotion!"

I can apply all those lines to myself, except the last one. A heart to share my emotion is the very last thing that I wish for.

FR.—What a useful existence! Do you find that it makes you happy?

AL.—No; but let me beg of you one thing: Pray do not fancy that I have any sentimental sorrow. I am not crossed in love; I have lost no friend that I valued. I have no pity for myself; I deserve no pity from others. I have just been quoting poetry,—no doubt that sounded romantic,—and I still do keep my old love for the sea; but about everything else I am as prosaic as you yourself are—probably more so. You spoke of your wife and home just now. Franklin, your face betrays you. Even now, as I mention them, all your expression softens, and the excellent disapproval with which you were beginning to look at me melted at once into a shadow of happy tenderness. I have nothing in my life to move me like that.

FR.—And it is precisely for that reason that your life brings you no happiness. Work and sympathy are the two things of value for us. You tell me yourself you have no wish for the one, and I fail to see how here you can manage to find the other. We used often to talk together over various ways of living; now we have tried them. You often provoked me in those days, and I confess you provoke me now. Here are you, with every kind of ability, and idle as you were, with a large stock of information; you have a generous heart, too,—I can bear good witness to that,—and see, this is what comes of it. You waste your youth on what is called polite society; and on the threshold of your maturer manhood, when every interest and energy should be getting its fullest vigor and fixity, you find they have all failed you. Instead of overcoming the world, you have shrunk away from it into a hermitage. Your tone shows me you are a somewhat cynical hermit, and your own admissions show me you are an idle one.

AL.—It makes me ten years younger again to hear you once more inveighing against me. But you forget that I told you

I had a special task to accomplish here, which will enable me, though I am a landlord, to take liberal progress calmly.

FR.—You said so—true; but I'm blest if I know your meaning. And you seriously mean to tell me that you are doing anything useful, in any way, by staring here at the sea, by perhaps reading a book or two, and by nursing a morbid apathy toward men and women in general? Perhaps, however, really you are studying some special subject which you will make use of hereafter. Perhaps you are really preparing for some other kind of life. Is that the case?

AL.—Emphatically, no; at any rate, you would say so.

FR.—Then what on earth is your business here? To do what have you slunk into this corner?

AL.—To die.

FR.—To die!

AL.—Precisely. Does that shock you? I'm sorry. Don't be embarrassed, and sit looking at me as if you were just going to die yourself. The crisis is not imminent; I shall last, if I am careful, it may be another twelvemonth. I am in a rapid decline—that is all that's the matter with me; and I had fancied that already my cough and my look might have told you so.

FR.—My dear fellow, I'm sorry I spoke so roughly to you.

AL.—Please not to apologize. I see quite well by your manner that you feel all a friend ought to feel. I admit that it would have been hardly becoming in you if you had taken the matter as lightly as I myself do; but you have paid your debt to sentiment, so let us now become commonplace again. Can't you speak? Say something—do—in your natural tone of voice. I sincerely beg your pardon. I am answerable for all this awkwardness.

FR.—Is this really true? I am more shocked than I can tell you.

AL.—Bless your heart, man; if I don't mind, why should other people mind? Come, let me tell you this, for, perhaps, it will help to comfort you: I take the prospect of death in this calm, even cheerful, manner, for the same reasons that you find life so satisfying.

FR.—And what reasons are those?

AL.—The success of that party of progress which you delight to belong to. I mean that great party which so well represents modern science, and whose creed in religion and politics briefly

amounts to this: "There is no God, and the populace is his prophet." I see two things growing which would make life unbearable to me—atheism and democracy. I tell you frankly, I should prefer hell to what you mean by a popular government.

FR.—Don't let us quarrel: we shall never agree about politics. Dear Alison, let us talk about something else.

AL.—It is poor fun talking about things one does not think about. I think principally about atheism and democracy, and I am trying to arrive at their real practical meaning. In the way I do this, I don't think there is anything selfish. I shall soon myself be beyond the reach of politics; and, as to a future life, it sounds strange to say so, but the nearer I come to death the less does the question interest me.

FR.—That is surely an argument for my view of the matter.

AL.—Not so. I think you mistake my meaning. I mean only that I have lost interest in my own personal destiny. I can't tell why. I suppose my imagination is numbed, somehow. But this personal apathy, which is very common on death-beds, and which has apparently seized me a little before my time, has no bearing whatever on the real point at issue; indeed, the less I am moved myself by any beliefs as to the future, the more clearly do I see how civilization in general depends upon them. It is you liberals, you radicals,—I don't know which is the right name for you,—that have principally taught me this. You have taught me that democracy is the political side of atheism, and that it is also the destruction of all society and civilization.

FR.—Did you ever hear of the United States of America?

AL.—My poor Franklin, you are an exceedingly simple soul, and your whole party is like you. Democracy is one thing in the New World; in the Old, it is quite another. In the first it is a political, in the second it is a social matter, and it thus represents two utterly different forces.

FR.—I confess I can't see the difference.

AL.—And yet it is you and your friends who have first taught it to me. A European radical can hardly open his mouth without betraying it. His methods and his principle, if not his personal feelings, would tend as much to upset the *status quo* of New York as they would of Vienna, London, or St. Petersburg. Democracy in America means a certain political structure, which arises naturally out of certain historical circumstances. In Europe, it means nothing of the kind. It is there not essentially a political

structure at all; it is an irrational social protest, which contains only negations, and is inspired only by petulance.

FR.—I should be perfectly willing to discuss these matters with you, but really you make it next door to impossible. I can't dispute your meaning, because I can't understand it. Consider for a moment what it is you have said just now. You would have been just as intelligible—at least, to my capacities—if you had said that European democracy was a species of green cheese.

AL.—Every word I said I will justify, if you will only listen to me. I will do more than justify it. I will make my charge still stronger.

FR.—You say that European democracy is not a political structure. May I ask what you think of the existence of France and Switzerland—not to mention the organization of the Liberal party in England?

AL.—Your question shows me how completely you miss my meaning. You are looking no deeper than the outward form of government. What we should really study, if we wish to understand the situation, is not the form, but the spirit by which the form is animated, or the spirit in which it is maintained or sought for. If we only look at form, a republic may be more aristocractic than a kingdom. Compare the Venice or the Genoa of the past with our England of the present. Compare the Roman republic with the Roman empire. Form is a secondary, or at all events a local, matter. What is of first importance is social spirit or temper, and the belief by which these are modified. Shall I go on?

FR.—Pray do. I shall be interested in hearing you out.

AL.—You must surely catch my general meaning now. Your friends say with exultation—no doubt, you have often said yourself—that democracy is the great feature of modern progress. Well, what do you mean by that? You don't mean that so many formal republics have been set up; but you mean that a certain temper is being developed among the masses in most European countries.

FR.—On many occasions we, no doubt, do use the word in that way.

AL.—I use it in that way now. I mean by democracy a certain social character,—a temper, a spirit, a set of opinions, of ambitions, and so on,—which is, or is said to be, on the increase, and which you and your friends try to foster. It is this that

I talk about when I say that democracy is the destruction of civilization; and using the word in this sense, I believe I am perfectly right in adding that there is little democracy in America.

FR.—Travel in the States, and you will soon have your eyes opened. What would you say, I wonder, when the conductor on the cars proposed to play at chess with you? He'd treat you, for all the world, as if he were just as good as you were.

AL.—If he did he would not offend me, for no offense would be meant; but were the same thing done in Europe, it would be quite a different matter. The American would be familiar because he felt himself my equal. The European would be familiar because he felt himself my inferior. He could not be ignoring my superiority, because he thought it was only fancied; he would be violently denying it, because he knew quite well it was real. Now, perhaps, you will understand my saying that democracy, as your party conceives of it, is a thing based only on negations, and inspired only by petulance. Democracy in America is essentially constructive; in Europe, it is essentially destructive.

FR.—Of course, in what you say there is a certain grain of truth.

AL.—It is very candid of you to admit it.

FR.—Excuse me; there is no candor in the matter. We call a man candid when he admits a fact that, at least, seems to his disadvantage. The facts I am admitting have nothing to do with me. The destructive spirit in man has been always awake in some quarters. There is nothing new in envy; there is nothing new in petulance. No doubt, in Europe there are irrational parties now. There always have been, and, so long as ignorance lasts, I fear there always will be. But these have no connection with the spirit of true democracy, which is no more in our eyes the spirit of brute spoliation than that of aristocracy in yours is the spirit of brute oppression. There are profligate peers, there are ruffianly republicans. I should have equal pleasure in seeing each class meet its deserts. My dear Alison, you will never judge of a party if you judge it only by those whom it itself repudiates.

AL.—And yet, Protestants judge in that way of the whole teachings of Catholicism.

FR.—And would you imitate one of the chief stupidities of Protestantism? Let me ask you one question: You talk of me and my party. Now, who do you mean by that? We shall get

on better if you will just tell me this accurately. Here am I. You know more or less of my history and of myself. I am an advanced radical, and my creed is the creed of science. What do you suppose to be my chief political motives? and what sort of men do you suppose share them with me? Try to enumerate the most distinctive characteristics which you think we possess in common, and in virtue of which you class us together.

AL.—I will describe your party with pleasure; and I am confident that I can do so far more completely than you could: for there are many fine things that ought to be said about you, which you might be too modest to say yourself. And now remember, please, that I am granting you one point. I exclude altogether from your party all those that it would itself repudiate. I exclude the whole of what you could call the ruffianly element. You and yours are essentially men of education. You do nothing without giving yourselves what you conceive to be a sound reason for it; and you claim that these reasons are supplied you by positive science. This claim has much weight, for you have a mine of scientific knowledge between you—a true bottomless pit of it. Indeed, taking you as a body, you know more of modern discoveries than any other party in the world. I believe most men of science are radicals; so I am intending no empty compliment. Well, all this knowledge has done the two following things for you in equipping you for the field of politics: It has given you a devotion to truth and a passionate impatience of shams; and it has subordinated all your thoughts to one great conception—the conception of continuous progress. What is the result? You look at society as it exists around you in Europe,—with its inequalities and its privileged classes, with its kings, its princes, and its titled or untitled nobilities,—and this whole state of things seems to you to be full of shams. The outside of things does not represent their realities. You see idleness surfeiting itself, and industry almost starving; you see ignorance in honor, and knowledge taking the lower room. In place of these shams you wish to substitute truth; and this process of substitution is progress, is liberalism, is the triumph of the democratic idea. Is that fair?

FR.—Perfectly; only I am surprised at your saying it. It is now my turn to call you candid.

AL.—And I disdain the epithet on exactly the same grounds as you did; for I have made no admission that weakens my first

indictment. I have just described you as an active political body, with certain great acquirements, and conscious of certain aims; and you are directing at present, as Matthew Arnold would put it, that stream of tendency that makes for the greatest change. This, however, is but one side of the matter, and by far the least important. In looking at you as a force in the world, not as so many private characters, your own acquirements and your own aims are the very last things we need trouble ourselves with.

FR.—You are once more talking in riddles.

AL.—My riddle this time is surely a very simple one. Why are you philosophic radicals a force in the world at all? Not because you entertain certain projects yourselves, but because you arouse certain projects in the multitude. Without such a following, what would you be—the lot of you—but so many professors haranguing one another in a lecture-room? It is your followers that give you your strength, and it is your followers that determine its character. It is in them, and not in you, that we must study the spirit of democracy—not in what you want to do, but in what they think you want to do. Your knowledge is only powerful because it sets ignorance moving.

FR.—Wait, Alison—wait there! Let me hold you to those words. How does our knowledge move ignorance? The power of the democratic movement, I quite agree with you, consists in the numbers who take part in it. But what unites them?—for they are only powerful when united. Certain common ideas, certain common aspirations. And these—what of them? We—the philosophic radicals, the professors in a lecture-room, as you call us—we reason them out, or define them, or put them into shape—the multitude apprehends them. It apprehends them, despite its ignorance, and for this reason: They represent the real facts of human nature and society, not the traditional superstitions which have so long hidden these.

AL.—That was a very characteristic speech. It sounds well; but what on earth does it mean? You radicals are curious people. In your biological and physical studies, no language is too precise for you; in dealing with human actions, no language is too vague. I will not be vague, at any rate. Put with vulgar plainness, my meaning is simply this: You and yours—I am thinking now of England—advocate such and such reforms; you speak at such and such public meetings; and you, no doubt,

are applauded enthusiastically. Well, the spirit in which you are applauded is not the spirit in which you think you have spoken. It is a spirit totally different, and it would startle you if you could only understand it. Think for a moment of all your party measures, and the one mark that we find distinct in all of them. They all aim at something that seems like equality—at robbing rank of its influence, and landed property of its value.

FR.—There is no question that the radical school has studied so dispassionately as the ownership of land. It advocates no reforms not based on scientific reasons.

AL.—Do you think the farmers who follow you care a straw for scientific reasons? They care for reasons of a far simpler nature; and when you speak to them, they think they hear these in your speeches. What you seem to be saying to them is one of two things: either that all men are equal, or else that the inferiors are superior to their superiors; and from either of these premises you seem to them to be drawing one conclusion—that in point of power and consideration they are at present being wronged and insulted, and in point of property they are at present being defrauded. Under many fine disguises, what you in reality are appealing to is no faculty of reason, no sense of justice, but to the two lowest and most destructive passions by which civilized man is made more vile than the savage—the vulgarest form of envy and the most insidious form of avarice. I beg your pardon; I'm afraid I have been very rude. But I hope you will recollect this with regard to these sins I tax you with: it is one of my chief points that, on your part, they are unintentional.

FR.—In other words, we are fools, not knaves.

AL.—Did you ever know a virtuous Roman Catholic, or do you suppose it possible that such a character can exist?

FR.—Of course I do. I am not a bigot.

AL.—And yet you think it ridiculous to believe in the efficacy of a priest's absolution; indeed, not ridiculous only, but demoralizing.

FR.—People with my habits of thought look on all sides of a question, and are never blind to facts. We are not special pleaders against popery, or against any religion; nor do we wish to exaggerate the evils they have done to mankind at large. Could popery have done what its system logically tends to do,—I mean, could it really have destroyed man's whole natural good-

ness,—it would, indeed, have some signs of a supernatural strength in it, which happily are completely wanting. Happily, as any sane man knows, there are numbers of sensible and moral Catholics on all sides of us—visible proofs of the inefficacy of Catholicism. To the scientific observer of human nature, no fact is more plain than this: That, though as a general rule, all false beliefs are injurious, there are always multitudes of bright individual exceptions; and thus a man himself may be perfectly good and upright, and yet conceive himself to be a believer in a mass of errors and superstitions. I think, however, we are a little wandering from the point.

AL.—So far as I am concerned, we are only just coming to it. I conceive you and your party, or at least the best members of it, to be in the same position as that in which you would place good Catholics. You are not fools, but you are professors of a foolish creed. In all social and in all political matters you are deluded by a set of wilder, more fantastic, and more inconsistent superstitions than any which Rome herself has refused to teach or sanction.

FR.—And what superstitions may these be?

AL.—Nearly every doctrine that you hold on practical matters—nearly every doctrine that you think you derive from science; and which, put together in a disorderly mental rummage-heap, you adore as a fetich, and call philosophic radicalism.

FR.—My dear Alison, as I said before, let us give over talking politics. The subject led you to exert your voice too much, and this has set you coughing, which, I am sure, cannot be good for you.

AL.—I hope I didn't shout, did I? I hate making a noise in an argument.

FR.—On the contrary, you were very quiet; but you spoke with a suppressed energy that must tire you even more than shouting. If you really meant what you were saying, no doubt we might discuss it quietly; we might take it point by point, but your invective against the superstitions of the scientific school in politics was hardly a literal statement of any points that could be argued over.

AL.—You are very good-tempered with me; be so a little longer. If I spoke with energy, it was with the energy of conviction, not with that of temper. As I have said already, to me

what do any politics matter? Let renovation, ruin, or, what is more probable, merely some tragic fiasco, be the result of your creeds and conduct, I shall be no sufferer by them. In looking on human life I stand on a curious eminence, to which you cannot climb, and my excitement, such as it is, is that only of a spectator or critic, not of a partisan. But I forget myself. I did not mean to embarrass you by an allusion to my situation, though I see by your kind manner to me that you do not forget it. Well, let me say this much, that I spoke just now as a critic, and that I meant seriously all those monstrous charges of mine. Yes. I know my meaning; I have analyzed and divided it. Those principles of yours, which you think so solidly founded, and which I call superstitions, one by one I can name them, and show you why I call them so. Will you let me? We will be very calm in the matter. We will just talk them over as questions for cold argument.

FR.—By all means. I will listen and answer honestly, if you only will not tire yourself, for it will be rather a long discussion.

AL.—If we find it so, we can finish it by and by. I will, at any rate, give you now the various heads of my indictment; for I admit that it wants explaining. To begin, I admit even now I don't in the least expect in our conversation to convince you of the truth of it. On the contrary, I regard that as a feat which it will need an intellectual campaign to accomplish, and which, if accomplished, will be an intellectual revolution. These truths of mine, before they gain credence, will have to be repeated many times and by many mouths. Still, for all that, I think they may be worth your considering. I have spoken of science; let me first say what I mean by it, for, in common with most people, I mean several things, different though nearly related. I mean primarily those various groups of conclusions—physiological, geological, ethnological, philological, and so on—which, although in some cases they may have been arrived at by deduction, yet rest in the last resort on observations of the sensible universe, and which, taken together, connect matter with the beginning of consciousness, these, with human life, and savagery with civilization, and its inner world of reason. Secondly, in addition to these positive facts, I mean the methods by which these facts are reached. Thirdly, I mean the dogmatic denial of certainty or of the value of knowledge reached in any other way. Fourthly, I mean the general spirit and character developed by the above

habits of thought and study; and, lastly, the practical conclusions with regard to practical life, which, by some process or other, you declare to be the legitimate outcome of all this. I mean, in fact, your new gospel of political final causes and the doctrines that you connect with these.

FR.—Final causes?

AL.—Those were the words I used.

FR.—Do you remember what Bacon said about final causes? They are like vestal virgins, consecrated to God, and barren. What has science to do with final causes?

AL.—Political science altogether depends on them—your political science especially. The great thing desired by the party of progress is change, is it not?

FR.—Not change for the sake of change, but change from the worse to the better.

AL.—Those better conditions you desire to produce are the final causes of all the measures you advocate, or, I should rather say, you think they are, for it is one of my positions that they are not. For your political views to have the scientific weight you claim for them, they must be based on a science of political teleology, and I say that at present no such science exists among you. What you mistake for such is a mere tissue of superstitions, of which some have no connection with facts, and others are in distinct contradiction to them. You profess to be working for the diffusion of human happiness, and you have no scientific conception of what happiness is.

FR.—What we are generally accused of is the very opposite fault—that of looking too far ahead, and studying such questions too theoretically. You do us more justice, and allow us at least some common sense. We are not scientific for the sake of being scientific. We are content with the evidence of our eyes—that a house is of such and such a shape, or a tree or an omnibus at such and such a distance from us—without proving the matter each time to ourselves with the aid of theories of vision. We treat human happiness in exactly the same way. We don't try to define it, because it does not admit of useful definition; but we have a vivid general notion of it, which is sufficient to guide all of us.

AL.—You have a vivid general notion of it, no doubt: so, as I know well from experience, a Christian child has of God. But you tell us that, if this latter is analyzed, it is found to consist of absurdities and contradictions. I say the same of your general

notion of happiness. Why do you try to diminish social inequalities? Why do you try to destroy the reverence for rank and pedigree? Why do you try to make each man have a judgment on public matters?

FR.—Because such judgment becomes a free citizen; and such slavish reverence degrades him.

AL.—And yet slaves may be happy.

FR.—The radical wishes his countrymen to be, not slaves, but citizens.

AL.—But suppose he found them more inclined to be slaves?

FR.—He continually does find them so. The apathy of the people as to their own condition is the great obstacle in his way. You accuse us of agitating, and of setting class against class. We are really setting the people against their own present selves, and are trying to awaken in them a higher ideal of happiness.

AL.—Now we come to the point. Human beings contrive to be happy in many ways; you want them to be happy in only one. Your general notion of happiness is not general, but particular. You have already named two of the elements that you consider essential to it—political power and something like social equality. Is not that so?

FR.—Do you think the value of these so recondite that it needs any special proof? Must we prove that pure air is better than tainted? or that a commodious cottage is better than a single foul sleeping-room?

AL.—To an Irish peasant you would certainly have to do so, and you would find him probably strangely deaf to your arguments. But I won't insist upon that. We will take it for granted that the evils you speak of plainly ought to be remedied, even though those who experience them are too dull to perceive their evil. But it is quite one thing to maintain that the human animal thrives best in healthy air, and on a competence; and quite another to maintain that he must acquire a taste for dabbling in political speculation, and must be taught to become unhappy if any one else is in a higher place than himself.

FR.—Absolute social equality is an ideal thing. We can never hope to realize, but only to go on approaching it; and in our practical plans and projects we never forget this.

AL.—Let us take, then, these two ideals—perfect equality and perfect feudalism. Why do you radicals maintain that the one is a better and more happy state than the other? Can you give

for your statement any scientific reason? In what should you say the happiness of man consisted?

FR.—That is rather a wide question. A good deal depends on the family affections.

AL.—And, cases of want excluded, is a man's love for his wife proportional to his income?

FR.—I should say, certainly not: though, in your walk of life, I am told there is a different view.

AL.—Does a man's love for his wife depend on his having the franchise? and does it increase because he hoots or shouts at public meetings?

FR.—Family love and public duties and enthusiasm are not identical; but they each contribute their share to that composite state of consciousness which we call happiness, and which we desire to be equally the lot of every man.

AL.—They each contribute their share, you say. Can you tell me in what proportion?

FR.—That depends very largely on the soundness of the education a man receives. We want to make it as essential as possible to the happiness of each citizen that he should exercise his judgment, and at times his energies, on public matters generally; and this for two reasons: in the first place, from the very terms of the proposition, his own happiness will be increased; and, in the second, the well-being of the community will be secured.

AL.—I defy you, I defy all the radical philosophers who have ever thought, written, or agitated, to give any detailed meaning to either of those two doctrines that shall not be either wholly unsupported by evidence, or else not be contradicted by it. You are not, remember, talking now of Utopia. You are talking of a world in which, you own yourself, some must be always wiser, some more foolish, than others. For what reasons, then, do you suppose that political wisdom is to be found in the consent of the most foolish? You would not ask a meeting of the least educated of your citizens to decide by their acclamation on any question of philology, or even on the question of whether men were descended from monkeys. Why should you ask them to decide upon questions still more complex, and of far more practical import?

FR.—For the very reason that they are of practical import, and concern that misery or well-being between which the ignorant can discriminate just as well as the learned.

AL.—Let us grant them to be the best authorities as to the ends they wish for, though even their wishes you declare are in need of constant training; yet still they are not authorities as to the means that can best secure them. The inhabitants of a town, in a mass meeting, may declare that they want a railway to a certain other town; but you would not apply to a mass meeting to decide some nice point as to the structure of a viaduct or a locomotive. The vast majority, you might be certain, would be quite unable to form any opinion at all upon such a matter, let alone a right one. You may want to go to New York, and yet know nothing about steering a steamer to it.

FR.—It is certainly difficult to answer your objections offhand; but that is rather because they are wide than because they are valid. Our defense, however, of the democratic spirit I can give you readily. It is the spirit which, experience shows us, develops *pari passu* with the diffusion of positive knowledge; and we may therefore infer safely that the former is the result of the latter, and rests on an equally solid foundation.

AL.—I quite agree with you. Its foundation is equally solid; for the foundation of both, so far as you are concerned, is nothing more than a fog-bank. How can you prove, by the methods of positive science, that there exists anything outside your own consciousness?

FR.—Show me first any sane man who doubts it. It will be time enough then for practical men to prove it. Meanwhile, I think we may well content ourselves with the honest and manly language of Professor Clifford—one of the keenest and most representative of all modern thinkers: "How consciousness," he says, "can testify to anything outside itself, I do not pretend to say. I need not untie a knot that has been cut for me long ago."

AL.—You and your professor hit the right nail on the head there. You there state fully that great primary falsehood on which all your science reposes, in so far as it claims to have any voice in philosophy, or to own the fee-simple of its own confident certitudes. You are asked to account for the belief without which all science would be valueless; and your only answer is that nobody disbelieves it.

FR.—Can you wish for a better proof? You smile—may I ask why?

AL.—I smile because you so persistently slip aside from the point. We don't ask you to convince us that an external world

exists, but to show us the reasons why we are convinced already. You must remember that your philosophy stands and falls with the thesis that all knowledge is derived from experience; and yet the one piece of knowledge that all the rest presupposes, you are the first to declare must come to us from some other source. What I began our conversation with saying was, that all your science rests on a superstition; and I was judging of superstition then by your own specified and daily-repeated tests. A superstition is a belief founded on no experience, and incapable of verification. Surely, judged of thus, as you say all beliefs should be judged, a belief in the external world is of all superstitions the greatest and most complete. Not only has it not yet been shown to possess the required marks of validity, but you are never weary of clamoring to us that it is impossible that it should possess them. Bear with me a moment longer. Your primary beliefs in politics—this is what I want to show you—are as much superstitions as your primary belief in philosophy, only with this difference: these latter are superstitions, which not only cannot be proved true, but which can most unmistakably be proved wholly false. You say the democratic spirit has grown *pari passu* with the scientific spirit, and I have told you that I quite agree with you. In each there is much that is true; but this truth in each is corrupted with superstitions and falsehoods. This afternoon we have only briefly glanced at them; but if you will come and see me again, when you have done collecting materials for your agricultural speeches, I will go into each point patiently and exactly—that is, if you are kind enough to care to listen.

FR.—I will certainly come again, and we will have some more talk together. Before I go, however, let me ask you one question: Do you conceive yourself to be the first person who has noted these seeming difficulties?

AL.—I should be surprised if I were so.

FR.—Are you the first person, then, who has put them distinctly and effectively?

AL.—They have, as yet, been put effectively by nobody; for all the superstitions, the confusions, the inconsistencies I am speaking of still form, for the school of enlightened thinkers, its unquestioned and sacred creed alike in philosophy and in politics.

W. H. MALLOCK.

THE SPENT BULLET.

NEVER again let this generation, at least, hear one whimper from science against religion. In the long warfare, religion has often chosen her ground with stupidity, selected her weapons with ignorance, and wielded her forces with passionate feebleness; but she never made so pitiful a display and so futile a use of her resources, as science made over the death-bed of President Garfield. When the question is of nebulæ, of atoms, of the rock's growth and the earth's age, of the spirit's substance, of life's origin, of the infinite in space, the inconceivable in time, the unknowable in eternity,—science has it all her own way. We cannot bridge the chasm between mind and matter. No man hath seen God at any time, to prove him the Creator. From the grave no being has arisen to our eyes, and from the stars no voice comes to our ears to dispute whatever the wise men may say.

But here was solid ground for science to stand on and demonstrate her power. She had nothing to do with the remote, with the past, with abstractions. Before her eyes, under her hand, lay a human soul in sore strait—a human life hunted into the valley of the shadow of death, longing to come out again into the sunshine of the fair and open day. The whole nation, the whole world, shared in the longing. Whatever love and wealth could proffer was ready to the hand of science. Everything that gratitude could inspire, everything that ambition could desire, lay in wait to reward the man who should conduct the august sufferer back through the gates of life.

And science accepted the trust manfully. The most celebrated and the most accomplished brought to that darkened chamber their highest knowledge with ever renewed and unwearying effort. The railroad and the telegraph were put

under their control. No cost hindered any experiment or curtailed any care. The nation stood behind, not only permitting, but urging every expenditure of brains and money; to the same end, urged their own self-interest, patriotism, and humanity. Day and night they ceased not to work and watch, and the result was—failure, absolute, thorough, undisputed failure—failure so minute and complete, that only its terrible gravity kept it from being ridiculous, and not even its terrible gravity could keep it from being grotesque.

Science can spin the world back between her thumb and finger a billion years, and we go spinning with it because we cannot help ourselves. Science can locate the soul in the grayish matter of the brain, and we submit because we cannot dig deeper than that grayish matter to search for a deeper soul. But when science comes into a practical realm where we can prove or disprove her accuracy, her keenest scent for truth, her finest touch of skill is to grope till the man is dead, and then find the bullet in a wash-bowl. Nescience could do that. What availed science to Garfield? She never treated or touched the wound which the bullet made, and which she was summoned to heal. She never even found it. She made two ghastly wounds herself, and for eighty days she clawed at them. The bullet which the surgeons could not find, nature carefully encysted. The bullet-wound which they never touched, nature safely and silently healed.

Surgical science is reduced to the pitiful claim that she alone kept Garfield alive for eighty days. This is a suicidal self-relegation to the unprovable. Routed on the tangible field of fact, she flees to the cloud-land of speculation, and again throws up intrenchments. So claimed the pious and thrifty Winchester for bluff King Hal—

> "The church's prayers made him so prosperous."

And as grim Gloster thundered back:

> "The church! Where is it?
> Had not churchmen prayed,
> His thread of life had not so soon decayed";

so in response to this claim, which can never be demonstrated, is it equally irrefutable and perfectly fair to say:

> "Had not the doctors preyed,
> His thread of life had not so soon decayed."

Nescience has precisely the same right and the same reason to speculate: take a man in perfect health, and give him into the control of surgeons, unwounded, and let them make two such wounds as Garfield suffered at his surgeons' hands, and let them bore into these wounds every day as Garfield's wounds were bored into,—sometimes with seven different catheters of different sizes at a single dressing,—and let them feed the man as Garfield was fed, and furnish him with the malarious air that Garfield breathed, and sequester him as Garfield was sequestered,—and not one man in ten thousand would survive the horror of it for eighty days!

Nor is it surgical science alone that suffers. Electricity came forward,—stimulated by the common grief, and love, and longing,—with an ingenious scheme to discover the ball by some mystical metallic affinity. The world was proudly bidden to bend its ear and hearken to the hum and buzz of the obedient bullet responding to the summons of the marvelous machine. How it did hum and buzz! We heard it from Maine to California, and did obeisance to science.

But when the weary soul had fled, and this fine and far-reaching science could fall to work like a butcher in the shambles—the bullet was not there! It never had been there. Science was so wholly blind to the bullet's location that she took an hour and a half to find it, even in the shambles. The bullet lay remote, concealed, where kindly nature wove around it the curtain of harmlessness, while a malignant and mischievous pus-pocket was personating it to the credulous surgeons and laughing science to scorn for eighty days. Life guarded her secret well. Death did but toss up a flattened leaden ball to a useless and senseless scalpel.

I touch upon these dire facts, which all men shudder to remember, not from hostility to the surgeons, but in utter repudiation of the vain-glorious boasting of science. I fully believe that the surgeons did, with patriotic as well as professional honor, their very highest best. And because it was their highest best, religion has a right to demand of science—an infant of days, and now self-proven to be a mewling and puking infant—to cease her random interference with religion, and to give herself exclusively to sharpening her own eyes and strengthening her own muscle.

Savans, how dare you, in your limitless ignorance and impotence, tamper with our hope of immortality? You are as unable

as the clown or the clod to discover the secret of physical life. With what shadow of reason shall you presume to annihilate spiritual life because its secret eludes you? The coarsest fanatic who can see God only on a tipping-table, does not display so monumental a fatuity as you, who can only touch mortality with your elbows, and would abnegate immortality because you cannot clutch it in your fists. Groping for truth at the bottom of a well, you would blot out the sun from the heavens, because you can only see the faint glimmer of the stars!

But while her foe, science—falsely so called, nescience rightly named, since true science and true religon are not only not foes, but two phases of one truth—while science is thus humiliated, religion, if never again, can afford to be frank, and admit that her pretensions, too, were a good deal shattered by that treacherous bullet. The faith-cure was applied, and it failed just as egregiously and just as conspicuously as the science-cure failed. It was appealed to, not with skeptical and sneering intent, but with sincerity and humility. The nation fell upon its knees in a common grief and a common desire. Men were not content to pray in secret with individual earnestness. They wanted to intensify their earnestness with an allied enthusiasm. They would besiege the throne of grace in battalions. They took the Almighty at His word, literally, and every day the sick man traveled toward the tomb till he sank into its darkness. Then the spokesmen of religion, instead of recognizing the facts and reconstructing theories upon them, straightway turned about and began to explain them away. They refused to admit that their prayers had not been answered, and began to argue that they were answered, only in another way. This is neither scientific nor religious. It is not frank. It is not sensible. It is not scriptural. If man ask bread, shall God give him a stone? St. James says squarely, the prayer of faith shall save the sick—not make it on the whole best that he should die. The Lord shall raise him up—not reconcile the nation to seeing him cast down. The Bible is not a straightforward and honest book if its words must be thus twisted to make them true. The nation in good faith asked for the President's life. It is idle to say that we wanted it if God saw that it was best. That goes without saying. If God saw that it was best, He would order it himself. No one supposes that God will ever do less than best. The directions are simple. The contract is easily understood.

St. James does not hedge. The prayer of faith shall save the sick, and the Lord shall raise him up. We prayed the prayer of faith, and it did not save the sick. The Lord did not raise him up. Must it be said that it was not the prayer of faith? It was all the faith there was. Everything of religion in the land was in that long-drawn summer of pain and prayer, and the only prayer answered and the only plan matured were Guiteau's. He said he was divinely inspired to remove the President—and he did remove him—by the most cowardly of murders. He said he would harmonize the Republican party, and over that couch of suffering all parties and all factions were hushed for two silent months. A liar from the beginning, a monster of intelligence and iniquity, sprung from the dregs of an ancestral blood whose revolutionary force and religious fervor had left this horrible sediment of malignity and murder, his hand slaughtered a lofty life and reversed a national movement. Religion may well shudder to behold the man, but he is hers. He is not an infidel. He is a Christian. It is a ghastly and loathsome skeleton, but it is the skeleton of a pure ancestral Huguenot faith, perfect in all its parts. Heavenly influence, divine protection and providence, communion with God, companionship with Christ—there is not a sacred truth, a solemn trust, which Guiteau has not beslimed with the acrid poison of his tongue. Naming every name which the church holds holy, he stands before the church and the world, totally depraved, proving, by the horror with which we regard him, how little the church has ever believed in the doctrine of total depravity.

Let us be frank. The church stood ready, watching, eager to leap up and claim for prayer the credit of Garfield's recovery. She could not wait the issue. When the cloud lifted a little and let a momentary gleam of hope shine through, the church sang softly, tentatively, timidly, as needs she must, her delight in the answer to prayer. But if Garfield's recovery was answer to prayer and justification of the church's theory, then his death was the non-answer to prayer and the destruction of her theory. If the church founds her philosophy on the sand, that philosophy must crash when the sand is washed away. When James, a servant of God and of the Lord Jesus Christ, sent his greeting to the twelve tribes which were scattered abroad, and assured them that the prayer of faith should save the sick, it may well be that he spoke the truth. I can easily believe that He by whom the worlds were made was

perfectly acquainted with all the properties and forces of matter, and could certify himself to His feeble and ignorant followers by combinations and appliances, which science has taken thousands of years to feel after and will take thousands more to command. But to say that He does it now, to say that, in response to the prayers of the church, He did it last summer for the United States of America, is a statement which intelligence cannot accept, and which ecclesiasticism cannot enforce. Science, indeed, reaped a harvest of humiliation, but theology won no laurels from this solemn summer.

When surgery had relinquished the tortured body, and theology had tried to re-adjust herself from the shock of the released soul, law came to the front to avenge violated justice and to protect menaced society. The process has not been fragrant, nor does the result betoken a brilliant triumph. I do not presume to pass judgment upon lawyers, any more than upon ministers and doctors. I can readily believe that the practicable best was done. I feel not the least sting of shame before foreign nations. I doubt not many a European prisoner has behaved as ill, and whether he has or not, I would rather an accused man should sauce high Heaven, than be hustled away in secrecy to chains and dungeons, as has been done to so many of the Old World's accused. I rejoice to remember that the only fault found with Judge Cox was that he showed himself too lenient toward the hated and hateful criminal; that an American judge, fully aware of the merited, unsurpassed, and overwhelming popular odium visited on the guilty wretch, chose himself to share it rather than abate one jot or tittle of the possible shelter which the law provides for accused and arraigned prisoners. It was justice, and justice alone—overstrained, possibly, but erring, if at all, on the humane and generous side—which allowed Guiteau liberty to make full exhibition of his deformed nature; and of that I trust Americans will never be ashamed.

Nor did anything happen in the court-room to justify the wide and wild condemnation of the trial. The indecorum was almost exclusively confined to the newspapers. Among the spectators it was of the rarest and slightest. The order of the assembly was scarcely more disturbed by the harsh, rasping, monotonous outbreaks of the shameless prisoner than is the order of society by the mendacious, malignant, egotistic, Guiteauistic babble of the London journals upon the trial.

What is to be said of the law is said, not relatively to its administration in other courts or countries, but to the administration of the law in itself considered. And thus considered, the fact remains, unquestioned and unquestionable, that a bad man — a liar, a swindler, a malignant from the beginning, cankered with conceit, inflamed with egotism — murdered a man in open day, in presence of many witnesses. The penalty of murder is the rope. Wide, one might suppose, would be the gate and broad the way and swift the march of that man to the gallows. The days passed into weeks and the weeks into months, and the air whose sacred hush received the last breath of the beloved President was foul with the obscenity and profaneness, the gibes and jeers and jokes, the rage and the boasts, the impudence and the audacity of this coward, murderer, assassin; all the dignity of the court, all the formality of law, all the reverence due to learning, to virtue, to position, to womanhood, was not able to restrain him within the bounds of decency. To one thing only he proved amenable, and that was rough Western justice—a Leadville miner's threat: one man, who had small faith in Eastern formula, stood behind his wife, and made to the cowardly Guiteau the simple statement that one word in derogation of that wife and he would shoot him on the spot. It was enough, and the assassin's threatened exposure crumbled into maudlin praise. Bench and bar and jury could not defend themselves against Guiteau's noisy and vulgar scurrility.

And what did the law accomplish? What new reverence for its methods and its triumphs did we acquire who watched its slow progress? Guiteau, with his clear, shrewd mind, knew at the outset that his danger lay from mob law rather than from statute law. He made all his arrangements to flee from popular justice, which would have torn him in pieces instantly, to legal justice, which is loitering and uncertain. And his faith was justified. The way of the law, instead of being short, sharp, and decisive, was not only loud with his rant, but tortuous and inconclusive. Mountains of testimony were heaped up around facts which were admitted to begin with. A great cloud of expert witnesses were summoned to investigate Guiteau's brain, with as child-like a faith as if an equally great cloud of experts had not been brought to shame over Garfield's body. And with all the time, and talent, and money expended, not a single important fact was discovered, not a single new relation was developed; all the

forms and solemnities of the law only came to the point that the public had reached in four and twenty hours—that the assassin was a human monster, who should be hung by the neck till he is dead.

The universal relief that was felt when the jury brought in the verdict shows how wide-spread was the apprehension that the law had darkened counsel by words without knowledge. The great satisfaction lay, not in the assurance that the law had been successful over crime, but that common-sense had been successful over law.

The only man who gathered glory from the assassination was the victim—the President, the politician, the statesman. Surgery, theology, law, may well ask of the future the mercy of its silence, but to the gallery of heroes politics may proudly add another form, of proportions as grand and symmetrical as any which the past can show or the future promise. And this politician was one who had touched and turned from the pulpit and the bar, and found in politics only his congenial and abiding home. Nor was he a figure arranged for exhibition, prepared for the occasion. The occasion found him. As much by accident as anything in this world is accident, the cross fell upon him which has since become his crown. He was a man who, before taking the highest degree, had passed through every lower grade.

The pervading popular judgment had not found him exceptionally great or exceptionally good. His own knew him, but when waves of political censure swept over the land he was not exempt. When Congressional methods were denounced, he was even singled out for hostile clamor. Personal slander—that political weapon so common and so reckless—assailed him with its utmost virulence. It did not confine itself to political antagonism—it attacked private character. Nothing that should characterize a thief, a perjurer, a bribe-taker, a liar, failed to be affirmed, publicly and persistently, of this man. Up to the very day of his election, up to the very eve of his murder, his peace was assailed by the unwearying voice of slander. On the Friday evening before the fatal Saturday that slew him, he declined an urgently sought visit because he must needs pass through Boston, and the official salutations of Boston must come to him from lips which had uttered slanders that he could neither resent nor overlook.

Thus,—in the presence of death let us be perfectly fearless and perfectly frank,—thus besmeared with all the mud that political

fury can fling, suddenly, without a moment's warning, without a single instant to hide his iniquity, to cleanse himself from sin, or to fold his robe Roman-wise about him, this man was struck down to helplessness and death. As instantly all the smirch and smear vanished into non-existence, and he lay a prostrate figure of purity, and patience, and patriotism, the shining image of domestic virtue, of manly heroism, of political nobility.

For eighty days

> "——in stern silence
> His thraldom he bore,
> Till the last morning came,
> And death opened the door";

and never under any test did one jot or tittle of manhood fail him. Every republic on this earth, and every soul that turns wistfully toward freedom, gazed with infinite interest upon his long struggle, to know what manner of man a republic nurtures; and every republican heart thrilled with joy, in all its heaviness, to see that never king nor kaiser bore himself more royally.

Let it also be remembered, not for blame or praise to any, but in simple subservience to truth, that he held on his calm, unswerving, patient way, under the severest inflictions of the doctors and without help from the clergy. No churchly ministrations were summoned to his side. There was no mediator between God and him but the man Christ Jesus. Whatever succor came to him from above came from the direct outpouring of divine sustenance into the substance of his soul. With all manly dignity, as the old-time pagans used, with the simple, child-like trust that Christians know, he passed through the gates of death, and left to all free peoples, and to all people struggling to be free, a name that they will not willingly let die.

GAIL HAMILTON.

THE

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Tros Tyriusque mihi nullo discrimine agetur.

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ART.		PAGE.
I.	THE CURRENCY OF THE FUTURE. By W. B. ALLISON, United States Senator.	535
II.	A MEMORANDUM AT A VENTURE. By WALT WHITMAN.	546
III.	ANDOVER AND CREED-SUBSCRIPTION. By LEONARD W. BACON, D. D.	551
IV.	MONGOLIAN IMMIGRATION. By GEORGE F. SEWARD.	562
V.	OLD-SCHOOL MEDICINE AND HOMEOPATHY. By Professor J. W. DOWLING.	578
VI.	SWEDENBORG. By O. B. FROTHINGHAM.	600
VII.	HAS LAND A VALUE? By ISAAC L. RICE.	617
VIII.	AN UNCONSTITUTIONAL MILITIA. By CHARLES E. LYDECKER.	631

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NORTH AMERICAN REVIEW.

No. CCCVII.

JUNE, 1882.

THE CURRENCY OF THE FUTURE.

WHAT shall be the currency of the future in our country is a question which will, for the next few years, occupy the thoughts of public men, political economists, and the people. That our present system or systems will undergo changes cannot be doubted. Our paper money now consists of United States notes (legal tenders), national-bank notes, and silver certificates. Our metallic money consists of gold and silver, both full legal tender; the latter coined in limited quantity, from year to year, on Government account, and issued by the Government. The United States notes were issued in time of war, as a war measure, then and now carefully limited by law as to volume. Although these notes are in volume now nominally fixed at $346,000,000 in round numbers, the actual circulation does not probably exceed $310,000,000; of this amount, from $30,000,000 to $35,000,000 are constantly in the Treasury, and from $75,000,000 to $100,000,000 are constantly held as national-bank reserves. So that the actual circulation in the hands of the people does not much exceed $210,000,000. The national-bank notes in volume now amount to about $350,000,000; silver certificates, $66,000,000, in round numbers. All State-bank circulation has been inhibited, since 1866, by a prohibitory tax of ten per cent. So that the total of paper money is comprised as above. In addition to this, we have a large circulation of metallic money, chiefly gold coin, as the silver coined is

largely in the Treasury, held for the payment of the silver certificates, and cannot be paid out except in exchange for such certificates. The Director of the Mint estimates that there was on November 1st, last, $468,493,227 gold coin in the country, and in addition, in the Mint and in the New York Assay Office, $94,075,744 of gold bullion, or a total of gold coined and in process of coining, $562,568,971. All this coined gold is, in a sense, a part of the circulating medium, although not half of it is in active circulation. The Treasury alone holds from $80,000,000 to $100,000,000 of coined gold as a reserve for the redemption of the greenbacks, and as much in gold bullion. There is, probably, of silver, including fractional silver, in circulation, $80,000,000. So that if paper in all its forms, and the precious metals in all their forms, are considered, there is an ample circulation for all the business wants of the country. It must be remembered, however, that the banks hold for reserves, to secure depositors, in round numbers about $240,000,000, and the Treasury, for various purposes, including reserves, over $200,000,000 more. Our circulating money has largely increased since January 1st, 1879. The total increase is stated by the Comptroller of the Currency at $330,000,000. This increase has been chiefly in gold coin and silver certificates, and has arisen from the favorable condition of our foreign trade, causing a heavy influx of gold, and also from the coinage act of February 28th, 1878, requiring not less than $2,000,000 per month of silver to be coined. This influx of foreign gold is not likely to continue, but the state of trade may require an export of gold or silver to settle balances, and unless other nations shall open their mints to the coinage of silver on some common ratio, it is only a question of time when our Government will, for its own protection and the protection of the people, suspend the coinage of silver. The product of our mines is not likely to diminish, but the precious metals, like wheat and cotton, will go to the best market, and if wanted abroad more than at home, they will go abroad, if more valuable there than here. So that we are not likely to have a very considerable increase in the future, but, on the contrary, may have a diminution in the existing volume of the precious metals.

Our national banking system is the safest and best known system for the holder of national-bank notes as well as for the general business interests of the country, and if it could continue substantially as it now exists, with power of expansion and exten-

sion according to public needs, the problem of the currency would be solved, and we need give ourselves no further anxiety about paper money. But to continue this system with its present security to the note-holder involves an indefinite continuance of our national debt. This debt will not long continue. No party can endure that will propose its continuance. $550,000,000, in round numbers, of this debt, bearing three and a half per cent. interest per annum, is now payable at the pleasure of the Government, and of this the national banks held as security for circulation, on the first of November last, $241,000,000. It is within the limit of reasonable conjecture that the whole of the three and a half bonds held by the banks will be paid within five years, or at the rate of $50,000,000 per annum. $250,000,000 of four and a half per cent. bonds are payable after 1890, of which the banks hold only $30,000,000, the remainder, $740,000,000, of four per cents., mature in 1907, banks holding about $93,000,000. These two latter classes of bonds bear a high premium, and as those of the three and a half denomination are paid off, will bear a still higher premium. So that with the high rate of taxation, and low rate of interest of bonds held, national-bank circulation will gradually diminish in volume as the three and a half bonds are paid off. Banks will not pay the large premium necessary to continue their circulation. This will be so, even if the bank taxes shall be removed.

It is equally certain that every business interest in the country will continue to grow and expand rapidly, requiring additional circulation to make exchanges to meet this increased demand. It may be stated that when the paper money of a country is readily convertible into coin, the coin of that country supplements the paper, and itself goes into circulation to fill up the vacuum, if the coin is not more needed in other countries, and that our coin will thus be utilized. It is also true that modern banking methods, including use of bank checks, bills of exchange, clearing-house certificates, and like inventions, are convenient substitutes for money, and make a smaller paper circulation necessary than in countries where these agencies are not largely in use. The habits of the people have much to do with the money they use. Our people have so long been accustomed to the convenience of paper that they do not take kindly to the actual use of either gold or silver, both these metals being inconvenient and bulky, and expensive in their transportation between distant places. So that instead of gold and silver, demand will be made

for some safe convertible substitute during this period of diminution of the volume of national-bank notes; and if Congress will not provide such substitute, one not so safe and convenient will be adopted. A substitute, based on gold coin, dollar for dollar, will be self-regulating and absolutely safe, and will not lead to any sudden expansion or contraction of the volume of paper circulation. Such substitute can be easily and readily provided, by the Government itself receiving on deposit all the gold coin offered to it, and issuing therefor, in convenient amounts, gold certificates, the Government holding the coin solely for the redemption of such certificates. The holders of silver coins are now authorized to make such deposit, and receive silver certificates. These certificates should be issued in denominations answering to the denominations of United States notes, in the discretion of the Secretary of the Treasury. On the 3d of March, 1863, the Secretary of the Treasury was authorized to issue such certificates on receipt of gold coin and bullion. This law is now embodied in the Revised Statutes, section 254. The Treasury availed itself of this provision for many years, and the practice continued until December 1st, 1878, when it was discontinued by the Secretary of the Treasury, for the obvious reason that the reserve then accumulating for resumption could have been exhausted under its provisions by the presentation of greenbacks for coin; and then again by depositing the coin and taking gold certificates therefor, thus exhausting the reserve. So that without legislation looking to the protection of the reserve for the redemption of greenbacks, to continue to exercise this authority would have endangered coin payments. No such protective legislation has been adopted, so that the Secretary, since that time, has wisely refrained from exercising the discretion conferred by section 254 of the Revised Statutes. Any measure looking to the issue of such certificates should be coupled with proper provisions for the protection of the coin reserve in the Treasury for the redemption of United States notes.

Proper legislation can easily be devised for this purpose. On the 1st of July, 1878, there were outstanding of such gold certificates, $44,000,000, and on the 1st of January last, only $3,000,000 remained outstanding.

Four objections have been urged to the issuance of gold certificates on the demand of the holder. *First.* That the Government will be the custodian of all the gold in the country, and thus

become responsible for its safety at a great expense. *Second.* That the accumulation will be so great that some future Congress will be tempted to authorize certificates to be issued beyond the amount deposited. *Third.* That the Treasury will then be turned into a bank of issue, which is not within the proper scope of governmental action; and, *Fourth.* That the effect will be an inflation of paper money.

There is no reason why the Treasury should not hold all the gold coin if the certificates issued shall represent such coin. The savings from abrasion alone will more than defray the expense. The Government is now compelled to hold large sums of gold coin. The cost of taking care of any such additional amount is nothing, unless it be the cost of the construction of additional vault-room in two or three of the principal cities. The cost of issuing the certificates will be nominal only; all the machinery for the purpose is now fully provided for. The Comptroller of the Currency, in his last report, states that the total cost to the Government of the national banking system since 1863 has been but $5,148,649.01; this includes the cost of all the circulation issued to national banks and the whole cost of the national currency bureau for that period, or about two hundred and seventy thousand dollars per annum. The total expense at the office of the Treasurer and Assistant-Treasurer, incidental to the issue and redemption of gold certificates, would not probably exceed half the latter sum per annum.

The second objection has only this force and no more, that it is not safe to trust those who may in the future legislate for the country. To make the gold thus held in the Treasury as a sacred fund for the redemption of certificates issued against it the basis for credit circulation of the Government would be a most palpable violation of public honor and public faith, and would be a violation of a positive statutory trust as flagrant as that of Charles I. when he seized the deposits in the Tower. We need not fear this any more than we now fear that our public debt will be repudiated in any form. There are always dangers to be apprehended in a popular government requiring care and diligence to avoid, this no more than many others, where Congress is required to act, trusting that future Congresses will act as well as, if not better than, the present.

The third objection is substantial, as it respects the per-

manent policy of the Government with reference to the currency. I assume that the people will not willingly return to the exploded State-bank systems, and will only do so when Congress shall fail to provide a system adequate to the situation; and I assume, further, that it is as much the duty of Congress to provide for a perfectly safe paper money circulation, if we are to have paper money, as it is its duty to provide for the coinage of gold and silver, and for the regulation of its value. But it is manifest that if Congress will not provide such paper circulation in some form that the States will. It is not proposed, however, to make this the only paper circulation of the future: it is to be used for a time until a safe and surely convertible currency shall be provided for under our national banking system, to take the place of such currency now secured by United States bonds. This objection comes too late, or its arguments prove too much. There is not a single paper dollar in circulation to-day that does not come within this objection.

The Government is bound to redeem in lawful money all the national-bank notes on demand, when the national banks fail or refuse to do so, by sections 5229 and 5230 of the Revised Statutes. It is also bound to redeem all the United States notes or greenbacks in coin, all the silver certificates in silver, and all the gold certificates in gold, and it holds in its hands, and directly within its control, all the means necessary and available for these redemptions. It not only redeems, directly or indirectly, this currency, but it also issues all the paper money; the national-bank notes only when bonds equal to the issue, and a margin of ten per cent., are deposited with and transferred to the United States. As to these bank-notes, it cannot be said they are not issued by the Government, because they are signed by the president and cashier of some local bank. The Government issues them to the banks, and becomes absolutely responsible for their redemption; and if the security held should become of no value, the contract between the note-holder and the Government is absolute that the Government shall redeem the note. So that our Government now issues all the paper money, whatever its form, and is responsible absolutely for the redemption of it all. It is too late, therefore, to say that this Government should not convert itself into a bank of issue. There is now in circulation no form of paper currency that is not a Government currency in every proper sense. So I propose that in

proportion as the people are to be deprived of the Government currency, known as national-bank notes, because of the payment of the bonds held as security for their redemption, the Government shall issue, not to banks alone, but to whomsoever may come to the Treasurer or any Assistant-Treasurer, a certificate in return for coined gold dollars deposited; not bonds or other forms of credit deposited, but the only standard of value now known to our laws, gold coin. Does this make the Government any more a bank of issue than it is when in lieu of such deposit there is deposited in the Treasury a promise of the Government to pay in the form of a bond of the United States, and upon this deposit a note is issued that the Government is bound to redeem? Thus, what is proposed involves no new principle and no departure from what is now the settled policy of the Government.

Is this principle an unsound one? It originated in this country in time of great financial distress, and proved so successful that it has been amplified and enlarged continually. Our Government now does directly what England and France do indirectly. These Governments have created great fiscal agencies called banks, to perform the financial work of the Government, making them the custodian of their reserves and the agency through which Government payments are made. We do this directly through the agency of our own Treasurer and Assistant-Treasurers in every principal city of the United States. If we shall issue gold certificates on the demand of the holder of gold in exchange for his deposit, we will do just what the Bank of England does now, except it is not proposed to make these certificates a legal tender, as the Bank of England note is a legal tender everywhere except at the bank. This proposed experiment, therefore, is not new. It is sustained by the experience of the greatest commercial nation for forty years, and he would be a bold man indeed that would propose in the British Parliament or to the English people the abolition of the Bank of England as re-organized in 1844. Then the issue department and the bank department proper were separated, and there is no reason why the issue department might not as well be in Picadilly as in Threadneedle street. The issue department is wholly separated from the banking department. These issues are limited to £15,000,000 on Government credit, and pound for pound of coin and bullion in their vaults. Our greenbacks are issued not only on Government credit, but also upon ample coin

reserve, which should be maintained. The issue of certificates would be only for coin deposited. That we have the power to do this cannot be questioned. We have already issued and redeemed, from time to time, nearly one billion of such certificates without the suggestion of want of power. Under section 5193 of the Revised Statutes, the Treasury has had outstanding at one time as high as $59,000,000, and now has about $11,000,000 certificates issued by the Treasurer upon deposit of greenbacks. Yet when it is suggested that any holder be permitted to deposit gold and receive certificates, it is suddenly discovered that the Treasury is to be turned into a bank of issue. Lastly, will there be an inflation of paper money by this method? Excessive issues of paper money rarely take place if the paper in circulation is, at the will of the holder, always actually convertible into coin. The constant return to the issuer for coin is a sure guaranty against excessive issues. Such issues follow a credit circulation. It is now generally conceded, from actual experience, that paper money actually convertible cannot be issued to excess; paper inflation takes place when issued in excess of coin to redeem, viz., under suspension of specie payments. But the proposed certificates are not paper money in any sense; they are not even promises to pay; they merely certify to the fact that there lies in the vaults of the Treasury so much coin. If the coin is needed for any purpose, the certificate is surrendered, and the coin goes out. So that under it there can be no excessive issues. The process is self-regulating and depending wholly upon the uses for coin at home and abroad. Credits are enlarged, prices advanced, and commercial crises follow the excessive issues of irredeemable paper and are not visible in the presence of a currency actually convertible into the precious metals at the will of the holder. As before stated, these certificates are only suggested as a means of supplying the deficiency created by the diminution of national-bank notes, and not intended to take their place permanently.

If Congress would address itself now to the question of the proper method of making permanent our national banking system without the deposit of bonds to secure circulation, the gold certificates might be dispensed with, although I think it would be wise in any event to issue them. But, in the present state of public opinion, this will not be done. There is now hostility to the system itself, and the utility of national banks must be further discussed, and the system must be definitely

approved by the popular judgment. This, in my belief, will be accomplished at no distant day; but, while that discussion is going on, some perfectly safe and temporary measure must be devised, otherwise an unsafe and unwise measure will be adopted. Now the stockholders in national banks are individually liable for a sum equal to the stock held by each. This provision has proved to be a wise and salutary one for the creditors of the national banks. So that the percentage of loss to the creditors of these banks has been very small. This principle of individual liability should be enlarged, so that each stockholder in these banks shall be held liable, individually, for the redemption of the circulation of the bank in which he is a share-holder in case the assets of the bank shall prove insufficient for the redemption of its notes, the note-holder having the first lien on the assets. To a well-managed bank the individual liability clause would involve but little risk, and directors and stockholders would look carefully after the management, as, in many cases, they do not now. This could be made gradually applicable to all existing banks, as they could surrender their bonds and go out of existence if they should not be willing to continue under such provision, or as their three and one-half per cents. are paid off they could exercise the option of individual liability. Such provision would require care in the selection of original stockholders; their responsibility could be attested by the district or circuit judges of the United States courts, as they now attest the responsibility of sureties on bonds executed to the United States, and would be carefully scrutinized by the Comptroller of the Currency. It will be said that banks would not be organized under such provision. There probably would be difficulty in the beginning; but, after a time, I have no doubt, such banks would be organized in every part of our country, even with stringent regulations in this regard. This has been for more than fifty years the strength of the Scotch system. There, except in the case of two banks having special privileges, every bank is a partnership, and every stockholder is individually liable for every debt of the bank, the circulating notes having a preferred lien upon the assets of the bank. So that the notes of a broken bank in Scotland have been taken as freely as those of a solvent bank; indeed, there have been only four considerable failures among the joint-stock banks in Scotland within one hundred and fifty years, and these failures were attended with little or no loss to the public, but only to the

share-holders or partners. If the system should be thus modified and remain free, some careful limitation should be had as to the amount of notes to be issued with respect to the capital of the bank. Notes should not be authorized or allowed beyond one-half of the capital, unless dollar for dollar of coin be deposited, and a tax of one per cent. for the privilege should be charged. It is not possible to enumerate all the provisions that should be made to secure immediate convertibility into coin, not only at the counter of the bank, but also at some one or more central agencies for redemption, as well as to secure to note-holders absolute redemption in case of failure of the bank. If some safe scheme of this character cannot be devised, I do not see how the national banking system is to be perpetuated. It will not do to authorize State or municipal stock to be held for security of circulation, nor will real estate security do. Safety lies in requiring the banks to transact a commercial business only. I can see no possible objection to modifying our present system upon these views, expressed in a general way. But no measure of this character is likely to become a law until the whole question of the continuation of this system is brought directly before the people in contrast with the other proposed devices.

In the brief space allotted me, I have only opportunity of stating, not arguing, the questions involved. But I have endeavored to call especial attention to three things, namely:

First. That our present national-bank currency is adapted to our wants.

Second. That the system must be materially modified, or it will die presently by virtue of the payment of the public debt.

Third. That its circulation will gradually diminish, and that we will have a substitute for it; and I have endeavored to suggest a safe substitute for the vacuum thus to be created, until time shall be given to remodel our national banking system on a sound basis of convertibility and security, by the substitution of individual liability of stockholders to secure the circulation, at least, in lieu of the security now held by the Government. I need not add, what is so well known from experience, that bank circulation of some character will exist, and that it will be good or bad as Congress provides. Banks always have, and will serve, a most useful local purpose in making exchanges; they receive the idle money on deposit and lend on ample security the surplus beyond the average required for daily payments, and thus form a connect-

ing link in the chain between the active operator and the quiet capitalist. They become the debtor of the capitalist and the creditor of the active producer and manufacturer, and are thus necessary to every community; they can add to that usefulness if they have Government sanction, and at the same time can furnish to the people a sound convertible currency, of practically uniform value throughout the United States; and the present system, modified as I have suggested, will best secure this end.

W. B. ALLISON.

A MEMORANDUM AT A VENTURE.

"All is proper to be expressed, provided our aim is only high enough."
—*J. F. Millet.*

SHALL the mention of such topics as I have briefly but plainly and resolutely broached in the "Children of Adam" section of "Leaves of Grass" be admitted in poetry and literature? Ought not the innovation to be put down by opinion and criticism? and, if those fail, by the district attorney? True, I could not construct a poem which declaredly took, as never before, the complete human identity, physical, moral, emotional, and intellectual (giving precedence and compass in a certain sense to the first), nor fulfill that *bona fide* candor and entirety of treatment which was a part of my purpose, without comprehending this section also. But I would intrench myself more deeply and widely than that. And while I do not ask any man to indorse my theory, I confess myself anxious that what I sought to write and express, and the ground I built on, shall be at least partially understood from its own platform. The best way seems to me to confront the question with entire frankness.

There are, generally speaking, two points of view, two conditions of the world's attitude toward these matters: the first, the conventional one of good folks and good print everywhere, repressing any direct statement of them, and making allusions only at second or third hand (as the Greeks did of death, which, in Hellenic social culture, was not mentioned point blank, but by euphemisms). In the civilization of to-day, this condition—without stopping to elaborate the arguments and facts, which are many and varied and perplexing—has led to states of ignorance, repressal, and covered-over disease and depletion, forming certainly a main factor in the world's woe. A non-scientific, non-æsthetic, and eminently non-religious condition,

bequeathed to us from the past (its origins diverse, one of them the far-back lessons of benevolent and wise men to restrain the prevalent coarseness and animality of the tribal ages, with Puritanism, or perhaps Protestantism itself for another, and still another specified in the latter part of this memorandum), to it is probably due most of the ill births, inefficient maturity, snickering pruriency, and of that human pathologic evil and morbidity which is, in my opinion, the keel and reason-why of every evil and morbidity. Its scent, as of something sneaking, furtive, mephitic, seems to lingeringly pervade all modern literature, conversation, and manners.

The second point of view, and by far the largest—as the world in working-day dress vastly exceeds the world in parlor toilette—is the one of common life, from the oldest times down, and especially in England (see the earlier chapters of "Taine's English Literature," and see Shakespeare almost anywhere), and which our age to-day inherits from riant stock, in the wit, or what passes for wit, of masculine circles, and in erotic stories and talk, to excite, express, and dwell on, that merely sensual voluptuousness which, according to Victor Hugo, is the most universal trait of all ages, all lands. This second condition, however bad, is at any rate like a disease which comes to the surface, and therefore less dangerous than a concealed one.

The time seems to me to have arrived, and America to be the place, for a new departure—a third point of view. The same freedom and faith and earnestness which, after centuries of denial, struggle, repression, and martyrdom, the present day brings to the treatment of politics and religion, must work out a plan and standard on this subject, not so much for what is called society, as for thoughtfulest men and women, and thoughtfulest literature. The same spirit that marks the physiological author and demonstrator on these topics in his important field I have thought necessary to be exemplified, for once, in another certainly not less important field.

In the present memorandum I only venture to indicate that plan and view—decided upon more than twenty years ago for my own literary action, and formulated tangibly in my printed poems (as Bacon says an abstract thought or theory is of no moment unless it leads to a deed or work done, exemplifying it in the concrete)—that the sexual passion in itself, while normal and unperverted, is inherently legitimate, creditable, not neces-

sarily an improper theme for poet, as confessedly not for scientist—that, with reference to the whole construction, organism, and intentions of "Leaves of Grass," anything short of confronting that theme, and making myself clear upon it, as the inclosing basis of everything (as the sanity of everything was to be the atmosphere of the poems), I should beg the question in its most momentous aspect, and the superstructure that followed, pretensive as it might assume to be, would all rest on a poor foundation, or no foundation at all. In short, as the assumption of the sanity of birth, Nature, and humanity is the key to any true theory of life and the universe—at any rate, the only theory out of which I wrote—it is, and must inevitably be, the only key to "Leaves of Grass," and every part of it.

That (and not a vain consistency or weak pride, as a late "Springfield Republican" charges) is the reason that I have stood out for these particular verses uncompromisingly for over twenty years, and maintain them to this day. That is what I felt in my inmost brain and heart when I only answered Emerson's vehement arguments with silence, under the old elms of Boston Common.

Indeed, might not every physiologist and every good physician pray for the redeeming of this subject from its hitherto relegation to the tongues and pens of blackguards, and boldly putting it for once at least, if no more, in the demesne of poetry and sanity—as something not in itself gross or impure, but entirely consistent with highest manhood and womanhood, and indispensable to both? Might not only every wife and every mother—not only every babe that comes into the world, if that were possible—not only all marriage, the foundation and *sine qua non* of the civilized state—bless and thank the showing, or taking for granted, that motherhood, fatherhood, sexuality, and all that belongs to them, can be asserted, where it comes to question, openly, joyously, proudly, "without shame or the need of shame," from the highest artistic and sociologic considerations—but, with reverence be it written, on such attempt to justify the base and start of the whole divine scheme in humanity, might not the Creative Power itself deign a smile of approval?

To the movement for the eligibility and entrance of women amid new spheres of business, politics, and the suffrage, the current, prurient, conventional treatment of sex is the main formidable obstacle. The rising tide of "woman's rights," swelling, and

every year advancing farther and farther, recoils from it with dismay. There will in my opinion be no general progress in such eligibility till a sensible, philosophic, democratic method is substituted.

The whole question — which strikes far, very far, deeper than most people have supposed (and doubtless, too, something is to be said on all sides), is peculiarly an important one in art—is first an ethic, and then still more an æsthetic, one. I condense from a paper read not long since at Cheltenham, England, before the "Social Science Congress," to the Art Department, by P. H. Rathbone, of Liverpool, on the "Undraped Figure in Art," and the discussion that followed:

"'When coward Europe suffered the unclean Turk to soil the sacred shores of Greece by his polluting presence, civilization and morality received a blow from which they have never entirely recovered, and the trail of the serpent has been over European art and European society ever since. The Turk regarded and regards women as animals without soul, toys to be played with or broken at pleasure, and to be hidden, partly from shame, but chiefly for the purpose of stimulating exhausted passion. Such is the unholy origin of the objection to the nude as a fit subject for art; it is purely Asiatic, and though not introduced for the first time in the fifteenth century, is yet to be traced to the source of all impurity — the East. Although the source of the prejudice is thoroughly unhealthy and impure, yet it is now shared by many pure-minded and honest, if somewhat uneducated, people. But I am prepared to maintain that it is necessary for the future of English art and of English morality that the right of the nude to a place in our galleries should be boldly asserted; it must, however, be the nude as represented by thoroughly trained artists, and with a pure and noble ethic purpose. The human form, male and female, is the type and standard of all beauty of form and proportion, and it is necessary to be thoroughly familiar with it in order safely to judge of all beauty which consists of form and proportion. To women it is most necessary that they should become thoroughly imbued with the knowledge of the ideal female form, in order that they should recognize the perfection of it at once, and without effort, and so far as possible avoid deviations from the ideal. Had this been the case in times past, we should not have had to deplore the distortions effected by tight lacing, which destroyed the figure and ruined the health of so many of the last generation. Nor should we have had the scandalous dresses alike of society and the stage. The extreme development of the low dresses which obtained some years ago, when the stays crushed up the breasts into suggestive prominence, would surely have been checked had the eye of the public been properly educated by familiarity with the exquisite beauty of line of a well-shaped bust. I might show how thorough acquaintance with the ideal nude foot would probably have much modified the foot-torturing boots and high heels, which wring the foot out of all beauty of line, and throw the body forward into an awkward and ungainly attitude.

"'It is argued that the effect of nude representation of women upon young men is unwholesome, but it would not be so if such works were admitted without question into our galleries, and became thoroughly familiar to them. On the contrary, it would do much to clear away from healthy-hearted lads one of their sorest trials—that prurient curiosity which is bred of prudish concealment. Where there is mystery there is the suggestion of evil, and to go to a theater, where you have only to look at the stalls to see one-half of the female form, and to the stage to see the other half undraped, is far more pregnant with evil imaginings than the least objectionable of totally undraped figures. In French art there have been questionable nude figures exhibited; but the fault was not that they were nude, but that they were the portraits of ugly, immodest women.'

"Some discussion followed. There was a general concurrence in the principle contended for by the reader of the paper. Sir Walter Stirling maintained that the perfect male figure, rather than the female, was the model of beauty. After a few remarks from Rev. Mr. Roberts and Colonel Oldfield, the Chairman regretted that no opponent of nude figures had taken part in the discussion. He agreed with Sir Walter Stirling as to the male figure being the most perfect model of proportion. He joined in defending the exhibition of nude figures, but thought considerable supervision should be exercised over such exhibitions."

No, it is not the picture or nude statue or text, with clear aim, that is indecent; it is the beholder's own thought, inference, distorted construction. True modesty is one of the most precious of attributes, even virtues, but in nothing is there more pretense, more falsity, than the needless assumption of it. Through precept and consciousness, man has long enough realized how bad he is. I would not so much disturb or demolish that conviction, only to resume and keep unerringly with it the spinal meaning of the Scriptural text, God overlooked all that He had made (including the apex of the whole,—humanity,—with its elements, passions, appetites), and pronounced it *very good.*

Does not anything short of that third point of view, when you come to think of it profoundly and with amplitude, impugn Creation from the outset? In fact, however overlaid or unaware of itself, does not the conviction involved in it perennially exist at the center of all society, and of the sexes, and of marriage? Is it not really an intuition of the human race? For, old as the world is, and beyond statement as are the countless and splendid results of its culture and evolution, perhaps the best and earliest and purest intuitions of the human race have yet to be developed.

WALT WHITMAN.

ANDOVER AND CREED-SUBSCRIPTION.

THERE has suddenly sprung up, about the most famous theological seminary in the land, a controversy which promises to be more profitable than theological controversies have sometimes been. Across the sea the general subject of it has been much discussed in Parliament, and at the hustings, and through the press, until the title "Subscription" has come to designate a considerable department of literature. In America, too, there has been, here and there, disputation over it; for the subject, in its nature, is fruitful of dissensions. But there seems to be good promise now of a debate which (to use our favorite American locution) shall "amount to something" toward a settlement of the questions, legal, moral, and prudential, which the mention of the word awakens.

It is natural enough, and in some respects creditable enough, to the orthodox Congregationalists of America, that this debate concerning subscription in a great theological school should have arisen in the midst of that very honorable communion of Christian churches. To begin with, among all the religious sects of this country they have been the foremost in theological as in all other education. The Protestant sects, like the orders of the Roman Catholic regular clergy, have each its specialty in operation, in which it leads the rest. As the Unitarians in elegant literature and social reform, the Baptists and Methodists in popular preaching and pioneering, the Episcopalians in parochial organization and the conduct of worship, so the Congregationalists have been foremost in two specialties: religious journalism and collegiate and theological education. The great colleges of the country, Harvard, Yale, Princeton, and others, have, in singularly large proportion, been founded or manned by them; and the earliest of American theological seminaries, Andover, the work of their hands, has been the model of the multitude of

other seminaries, "and the deviations from the original type have been comparatively few."

But the sect so honorably distinguished as a leader in the highest education has another distinction of a different sort. It is implicated, beyond other sects, in the worst abuses of "subscription." Other communions provide that persons proposed for offices of teaching and government shall be required to give assent to doctrinal standards. The Congregationalists make no such demand of their clergy; but by an abhorrent and demoralizing practice they exact it of children and novices, as the condition of communion in the church. The origin of this miserable and mischievous usage is easily traceable. It had its rise in a false theological dogma, now generally abandoned except in the Roman Church, that faith, the condition of salvation and therefore of Christian fellowship, consists in an intellectual assent to propositions, rather than in a willing trust on a person. Naturally, among those holding this view, a candidate for fellowship would be questioned on his doctrinal views — the weak in faith received to doubtful disputations. Naturally also (since mankind generally are not original thinkers), the answers to such questioning would, by and by, with the aid of the pastor, fall into a general uniformity, and at last the form of dogmatic statement which many successive applicants had freely accepted grew, without anybody's meaning it, into the church-creed which subsequent applicants were required to accept. So this offspring of a theological falsehood survives as an institution after its mother-falsehood is dead and buried. And so, withal, the oddest anomaly in church history is explained — that one of the sects which have set themselves most resolutely and on principle against the use of precomposed forms in prayer is found to be saddled with the tradition of such forms just where they are most irrational and intolerable, to wit, in the enforced expression of personal opinions.*

* The opposition of the Puritan and Presbyterian churches to liturgical forms was once founded on a principle — a very absurd one, to be sure, but still a principle: that to introduce any human composition into public worship was an act of idolatry — a breach of the Second Commandment. Hence, Rouse's Psalms, and Ainsworth's Psalms, and the Bay Psalm Book, "worst of many bad," not to mention some one's version of the Acts of the Apostles into common meter — all contrived so that our fathers, by singing the actual words of inspiration, might escape the eternal pains reserved for the idolator who read his prayers out of a book. This principle went overboard in the tempestuous agitation, a hundred years ago, which attended the introduction of Watts's

Surely a worse abuse of the policy of enforced subscription is hardly to be found, even in the history of the English universities. The expression of Lord Brougham is not too strong for it — "a man-trap for tender consciences."

When we come to creed-subscription as one of the conditions of the tenure of a theological professorship, the matter is on a different footing. Whether the requirement of a creed-subscription is good for anything, anyhow or anywhere, may be a doubtful question. But there can be no doubt at all that, if it has any fit place in the social system, that place is in connection with a chair of theology. In that place it is a violation of no man's conscience, for it is no man's inalienable duty to be, for example, Abbott professor at Andover; and there is no incongruity when trustees, about to employ a teacher of dogma, ascertain from him that the dogmas he will teach are what they ought to be. And how plausible the notion that the readiest and surest way of ascertaining this is to tender him a full statement of the doctrines they require to be taught, and ask his assent to it!

This method is now on trial before the American public in the case of the Rev. Newman Smyth, professor-elect to the Abbott chair of Dogmatics in Andover Seminary. Our concern with this particular case is only in its bearing on the general question of creed-subscription.

Mr. Smyth is a pastor and theological author of repute, the titles of whose works * indicate the school of "liberal orthodoxy" to which he belongs. He has been elected to the Abbott professorship by the trustees of that foundation, and his election has been informally, but not yet officially, confirmed by the "visitors," who have right of veto on the appointment. Both election and

Hymns. Since then, the Puritan and Presbyterian opposition to fixed forms of prayer has been the merest matter of traditionary prejudice — a conclusion without any major premise. But what would not have been the horror of the fathers who stood out so piously against "man-made hymns," if it had been deliberately proposed to enforce on tender consciences a man-made creed, under penalty of excommunication!

It may be thought that, in speaking of imposing a creed on the common worshiper as a characteristic of Congregational churches, I have forgotten the use of the early creeds, Apostolic and Nicene, in common worship. But the ancient creeds are not codifications of dogma, but utterances of personal trust. They do not say "You believe *that*," but "I believe *in*."

* "The Religious Feeling: A Study for Faith"; "Old Faiths in New Light"; "The Orthodoxy of To-day."

confirmation were made in view of a nomination invited from the active faculty of the institution. Proceedings have been stayed in consequence of a somewhat clamorous newspaper protest, coming from persons having no official responsibility in the case, that Mr. Smyth's published opinions are inconsistent with the minute creed of "the Associate Founders," which he signifies his readiness to subscribe, and which the three bodies of competent theologians which we have named declare, after personal conference with the candidate, that they believe he can subscribe with a good conscience. The latest phase of the affair is that the Board of Visitors, overawed, apparently, by the newspaper demonstrations, have remitted the question of the election to the reconsideration of the trustees.*

First. The most obvious fact in the whole affair is this: that no one of the parties concerned in it, officially or unofficially, places the slightest value on the mere fact of subscription to the prescribed creed. Neither the faculty that nominated, nor the trustees who elected, nor the visitors who approved, nor the candidate who submitted to be successively catechized, nor the newspaper which "pitched in," nor the critical public looking on, has any confidence whatever in the subscription, joined to however irreproachable a character for intelligence and sincerity, as giving a guaranty of the candidate's conformity to the creed subscribed. It does not occur to the candidate "sat upon" in these successive inquisitions to say, "Gentlemen, I have stated my views to you in the language of your printed creed; if you have not confidence in my intelligence and integrity in making this statement, you had better find some one for your professor in whom you do have confidence." If he had said so, official boards, and able editor, and critical public looking on, would all as one man have agreed that it was highly preposterous. On the other hand, supposing that, after thorough personal acquaintance and inquiry, the triple board, the anxious newspaper, and the general public were of one accord that Mr. Smyth was the typical Hopkinsian delineated in the creed of the Abbott foundation, and supposing that being

* Since this article went to the printer, it is announced that the Visitors have vetoed the election of Mr. Smyth, alleging reasons that involve no question of the candidate's sincerity or intelligence in subscription. Thus they have neatly evaded the main question, and discharged the case from their little tribunal. But it is needless to say that this dexterous procedure does not remove the case from the *forum publicum* before which it was pending.

bidden to the chair of dogmatics at Andover he should say, "I scruple some of the expressions of that creed," or "I will freely tell you my views in my own language, but I am *nullius addictus jurare in verba magistri*, and least of all can I subscribe that document as the expression of my views, when it is tendered to me as the condition of a position and a salary"; in this case, would it not be the universal reply, "Now more than ever we know that you are the man whom we want, and whom the founder of the chair would have wanted, for Abbott professor"? In short, has the enforced subscription any practical effect whatever, unless haply sometimes to exclude from the Abbott professorship a man of too scrupulous conscience or of too nice a self-respect? To sum up this argument in another form, personal examination by the boards of trust, with reference to the creed of the foundation, is sufficient without subscription; subscription is inadequate without personal examination; what, then, is the subscription good for?

Second. If there is perplexity in any mind in view of the general disrespect entertained as to the value of this creed-subscription, it may easily be cleared up by a slight study of the casuistry of the subject, as it has been expounded by those most personally interested in it. Professor Phelps, now *emeritus* of the department of rhetoric, a man profoundly and justly respected, published, four years ago, in the "Congregationalist" newspaper, two articles on "The Rights of Believers in Ancient Creeds," which were more properly on the rights of subscribers to such creeds. The rights, as he enumerates them, are: 1, the right to a recognition of the inevitable changes which time brings about in the meaning of language; 2, the right to interpret a creed in part by the history of its formation; 3, the right to recognize and reason from well-known compromises contained in the creed; 4, the right to one's own method of reconciling the contradictions of a creed; 5, the right, within certain limits, to a help which may be called the logic of the drift of a creed; 6, the right to subscribe the creed as a whole, without being held to indorsement of its every detail; 7, *not* the right to mutilate by his interpretation a certain system of truth which all the great historic confessions affirm. It seems strange that so clear a writer should not have set far above and before all these rights of a man subscribing a creed as the condition of holding a place, the splendid and inalienable right to let the creed alone and lose

the place, and should not have seen that these rights which he reserves being conceded (in the application of which each subscriber is to judge for himself), the fact of subscription is discharged of all significance, except as it signifies the candidate's sincere desire to take the place if he can get it.

Third. But the futility of enforced subscription to secure conformity of opinion to the standard of a creed has been so abundantly demonstrated in British history that it seems ridiculously unnecessary to have repeated the experiment in America. It is one of the most pitiable things in the history of human nature to take up the old volumes of "The Quarterly," and read the grave arguments of English clergymen for the expediency and importance of requiring all college boys at their matriculation solemnly to declare their belief of thirty-nine articles of theology, which in most cases they did not believe and in some cases they distinctly disbelieved; and to enforce this requirement by a bribe of immense social, political, and pecuniary value. It was a natural sequence of the moral confusion and corruption thus produced, when one of the foremost scholars and most genuine saints of the English Church wrote the famous Oxford tract which urged upon hesitating consciences the policy of signing articles which they detested, "in a non-natural sense"; and when the same man, in his venerable age and ripened erudition, published the "Eirenicon," which labored to show that every article of the thirty-nine (those "forty stripes save one," as they were wont to be called by the school of his condisciples, who nevertheless signed them as one man) was capable of being construed in consistency with the tenets of the Roman Catholic Church, which they were drawn with the avowed purpose of contradicting. If the exacting of doctrinal subscriptions has not resulted in America in just so wide-spread a corrupting of the conscience and the sense of honor, it is because it has been practiced on a less extensive scale, and enforced with less weighty sanctions of reward and penalty, and not because human nature among us is of a finer quality, nor because the offer of valuable consideration to a man on condition of his stating his opinions in a certain form has lost, in this climate, the power of tempting him to tamper with his absolute sincerity.

The arguments urged against the strict construction of the Andover creed, and the requirement of adhesion to it in its literal sense, are to a large extent arguments *ab inconvenientia;*

and in their poor way they are very strong. "No institution is under obligation to suicide." The rigorous enforcement of the creed in its literal sense "would absolutely prevent the maintenance of any trust reposing on a creed." So say the acting faculty in a public manifesto. The throwing of such weighty considerations of expediency into the balance, when a question of simple right or wrong, truth or falsehood, is under consideration—the question, Ought I, or Ought he, to say, in a certain form of words, I believe thus and so—is worse than irrelevant. The implied proposition that the vital interests of an institution may properly influence an honest man in the statements of his religious belief is, to say the least, not conceived in the spirit of martyrdom. The accumulation of precedents to show how many pious and excellent people have acted on this principle is absolutely nothing at all to the purpose.

The Andover discussion ought to give some help in defining the best methods and terms of charitable foundation. The history of Christendom is full enough of instances of successful and unsuccessful charities, of wise and of impracticable provisions in deeds and wills, to afford needed instruction to the many who would be glad to give if they could be sure of giving effectively, and who would gladly learn from collective experience. Already two points are clearly illustrated in the course of the debate:

1. No founder wishing to limit his bounty by dogmatic conditions can hope to provide except for past and current questions of doctrinal difference. The use of the fund with reference to questions arising in the future will inevitably have to be determined by the discretion of the trustees for the time being. On those questions, when they arise, the doctrinal test will be found either to be dumb or to give an uncertain sound. Professor Robertson Smith, enunciating critical sentiments which are agitating all Scotland, as if the foundations were destroyed, seems to have been successful in demonstrating that there is nothing in all the voluminous standards of his church to hinder his holding and teaching these sentiments. In like manner, the minute and diplomatic creed of Andover deals mainly with questions that have ceased to occupy the minds of ordinary theologians, and fails to exclude from the faculty of that institution the holders of tenets which would have more vexed the righteous soul of Samuel Abbott and his associates than many of the heresies which they denounced by name. They debarred Uni-

tarians from the enjoyment of their bounty; but did not foresee the day when the reverence of Unitarians would be shocked by the audacious utterances of Theodore Parker, and the not much later day when some of these utterances would be freely entertained in circles indubitably orthodox. Founders of chairs of doctrinal teaching should make up their minds to such possibilities, and ask themselves to what extent they are willing to rely on the discretion of the unknown successors of their chosen trustees, for that is the only thing that they have to rely on for the contingencies of future variations of theological opinion.

2. A founder wishing to condition his bounty on adhesion to a definite creed ought, for every reason, to make his choice as to whether he will content himself with the subscription of the candidate, or whether, instead, he will make his trustees the judges of the candidate's doctrinal agreement with the creed. Both conditions at once he ought not to exact. There is no decency in first requiring the candidate's consent to the creed, and then inviting a body of men to say whether his assent is unintelligent or dishonest. A man with a certain measure of self-respect, who by the terms of some ancient deed of trust, and the act of trustees under it, is exposed to such a two-fold test, may well be justified in saying to the trustees: "Which of us is to be the responsible judge in this matter, you or I? If I, then my declaration on the subject must be final. I cannot consent to give out the sincerity and competency of my solemn assertion to be a matter of debate among you. If, on the other hand, you are the responsible judges of the correspondence between my opinions and the terms of your standard, don't ask me to pronounce on the question. You know my opinions from my published works. If you want further information on any point, ask me for it. But don't ask my consent while reserving to yourselves the right of giving the lie to it." In fact, to some persons it would not seem like any very exorbitant assertion of one's self-respect and personal dignity to answer all invitations to "qualify" for a desirable office by subscribing another man's statement of opinions, with saying: "In other circumstances, I should have been free to give you my unreserved judgment on this or any other summary of theology; but when you tender it to me for my signature, with the offer of an honorable office and a salary and a house in case of compliance, it is out of the question for me to give you any answer whatever."

The wrong of establishing by deed of trust the double criterion of a man's doctrinal fitness for an endowed office, first in his own assent to a dogmatic standard, and then in the judgment of another party on the validity of his assent, is often illustrated, in ecclesiastical events, by the gratuitous reproaches which it provokes upon characters that are justly above reproach. The Abbott professor, sworn into office upon a statement of opinions made out for him by another hand, is constituted an *ex-officio* butt of evil suspicions and imputations. And human nature being what it is, he is an exceptional man if he do not vindicate his orthodoxy and sincerity by imputations in turn upon the orthodoxy and sincerity of others. The Swiss Reformers, being sore beset with charges of heresy against themselves, counseled extreme measures against Michael Servetus for heresy, as the readiest and most effective vindication of themselves in the eyes of Europe; and Servetus, though strongly objecting himself to be roasted at a slow fire, redeemed himself from the charge of laxity by protesting that no mercy ought to be shown to such scum of the earth as Bolsec. The working of this principle of human nature would give to us an infinite series of Abbott professors, each regarded by his predecessor with painful misgivings, and incapable of looking on his successor's subscribing and teaching without anxious solicitude. The clouds of suspicion of doctrinal unsoundness and unworthy subscription that hung round the early labors of Professor Woods had no tendency to withhold him in later years from expressing heart-broken regret at the accession of Professor Park; and it is freely asserted of Professor Park that his own early experience has failed to satisfy him of the general principle that the serious disapproval of one's predecessor is no disqualification for the Abbott professorship. Why should it be thought needful to aggravate the abundantly sufficient acrimony of theological debate by importing into it a personal quality, through the provision that the person having the gravest personal interests in a favorable conclusion should be called on to pronounce, himself, on the question of his own doctrinal qualifications for an office of very high honor and of some emolument?

This article has been devoted much more to the general subject of creed-subscription than to the particular case of the Andover professorship and Mr. Newman Smyth. And yet it is not intended thereby to disparage the importance of this case. The

Theological Seminary at Andover, by its illustrious history and its wide influence, ranks with the foremost centers of education in the world. The chair of the Abbott professorship is a throne of authority and influence for any man who is capable of filling it. It is my strong impression (let it go for what it is worth) that Mr. Smyth, as a large-minded, thoughtful theologian, an evangelical theologian, in both the real and the conventional sense of the word, holding fellowship alike with the present and the past, and looking with teachable mind into the future, and as an enthusiast both for the discovery and for the teaching of theological truth, is exceptionally endowed with gifts that qualify him for such a place; so that if he were to be seated in it he would soon renew its ancient fame; that he would conciliate the transient animosities that have been raised against him, and win to himself the gratitude of successive classes of men through whom his salutary and illuminating influence would go out into every part of the world, contributing everywhere to the spread of truth and the advancement of the Church of Christ. And in all the citations and allegations that have been made against him, I have been able to see no reason to doubt that with no more qualification or reservation than what is justified in the articles of the venerable Professor Phelps,—reserving the right to "a help which may be called the logic of the drift of a creed," and the right to subscribe the creed as a whole without indorsing all its details,—he could signify his consent to the creed with as much propriety and fitness as his predecessors and associates in the faculty. But I also believe that if, carefully studying the seminary creed, and scrutinizing the convictions of his own intellect, he should find occasion to say to the trustees of the seminary: "Gentlemen, I find in the creed which you tender to my acceptance one syllable which fails to correspond with the sincere conviction of my mind; and this being the case (with many thanks for your hints about 'helps from the logic of the drift of a creed,' and about one's subscribing to the whole without indorsing the details), before I will write one letter of my name at the end of that document I will see your endowments perish with you"—he would do more for the Church of Christ in America, and for the advancement of the Kingdom of the Truth in all the world, than by a long life-time of successful theological lecturing. The country and the world are suffering far less for lack of expert theologues than for the lack of men so fanatical of

truth, that they will not swerve the statement of their convictions one hair's-breadth to the right or to the left for all the treasures or honors in the gift of the corporation of Phillips Academy. Mr. Smyth, returning willingly and quietly thus to the patient labor of his Western parish, might teach more of Christian truth to the young men of this nation than Mr. Smyth acceding, by a slight compromise, to the dignities and the splendid opportunities of the Abbott chair. For he would hereby teach that despised and rejected tenet of the doctrine of Jesus Christ which the Andover faculty have stigmatized under the phrase "an obligation to suicide." It is an essential part of the doctrine of him who bade his disciples "take up their cross and follow him." Now, the cross he bade them take up was not a doctrine of atonement. It was a gallows.

LEONARD WOOLSEY BACON.

MONGOLIAN IMMIGRATION.

IT would be impossible to treat this question fully within the necessarily restricted limits of a REVIEW article. The salient considerations involved may be stated and very briefly examined. This is what I propose to do in this paper.

I shall set forth:

First. The objections which have been urged against the Chinese as immigrants.

Second. The measures needed to meet all just objections to their immigration.

Third. The measures proposed in the recent treaty with China, and in legislation under that treaty, and the objections which may be urged against these measures, having regard to our domestic policy and interests, also to our commercial policy and interests.

I. It is said that the Chinese in this country are not freemen, and that it is not just to our people to force upon them competition with a servile class.

It is clear that we should not tolerate a servile class among us. I contend, however, that Chinese labor, as it is seen in this country, is not servile.

It is an admitted fact that no slave-holding, rightly so called, is known in China. It is an admitted fact that no Chinaman in this country has appealed to the courts to be freed from a condition of slavery. Under these circumstances, those who allege that Chinese labor is servile have fallen back upon the proposition that the Chinese come to us under a contract system, which is a modified form of slavery.

But of this there is no proof. If contracts are made, under which the lenders of money control laborers, there should be no difficulty in demonstrating the fact. In all the history of the anti-Chinese agitation, not one such contract has been produced,

saving only in the case of prostitutes, and no evidence has been given as of knowledge proving the fact.

I do not speak of the Chinese in Peru or in Cuba, but of those in this country. In Peru and Cuba, contracts to labor may be enforced; they cannot be enforced in the United States. Many Chinese have been decoyed into contracts to labor in those countries, but the fact that the contract system cannot be sustained at law among us offers a sufficient explanation of the other fact that it does not prevail among those who come to our shores.

I do not assert that Chinese who are proposing to come to this country do not borrow money in China and agree to repay it out of their earnings here. This practice prevails among immigrants from all countries, but it does not create nor imply servile labor. It shows simply that a given person has the capacity to contract as a freeman, and that the lender expects his client to behave as an honest freeman should.

As a matter of fact, evidence taken in California proves that the Chinese in this country are controlled by no masters. They take service when, where, and with whom they please. They leave service when it suits them to do so. They are almost as exacting in these respects as are the other laborers of the country.

It is said again that they displace white laborers.

The laboring man in the communities of the Pacific coast sees Chinamen at work all around him. He sees also, sometimes, if not often, white men who are not at work. It is natural for him to believe, under these circumstances, that the Chinese are getting the wages which white men would command if the Chinese were absent. He has found wages tending to fall, and it is natural for him to judge that this tendency results from the competition of Asiatics. This simple way of looking at the matter may be very incorrect, nevertheless.

It is well known that wages are higher in California than elsewhere in America, and herein lies the proof that there has been no ruinous competition between the two races. An over-supply of labor causes low wages; an inadequate supply may cause high wages. The laboring man may argue the case in whatever way and with whatever sincerity, but the facts decide the question.

There are some directions in which Chinese labor controls the market in California, but Chinamen have not displaced white men even in these directions. They make cigars. None to speak of were made in California until the Chinese took up the trade.

They make shoes. None were made before they began the business. They wash clothes. As a rule, it is the clothing of white mechanics and laborers and of their families. They do a great deal of the work of railroad-building and of reclaiming swamp lands. The supply of white laborers has been inadequate in both directions.

It should be remembered, also, that the Chinese have made possible industries which could not have been undertaken in their absence, and which have given larger opportunities to our own people. We occupy the territory made available by the railroads which have been constructed with the assistance of Chinamen. We till the swamp lands reclaimed by them. We own the mills and larger factories in which they work, and the sum of the wages of our people who are employed is far away in excess of those of the Chinese operatives.

That wages should tend to fall in California was to be expected. They were far higher than elsewhere in our country, and still are. The influx of population must necessarily work a change in this respect. But the white man of California is raised in the scale of industry by the presence of the Chinese, and he gets a larger wage to-day, probably, than he would if the Chinese were not present. At the same time the labors of the Chinese reduce the cost for him of all the necessaries of life.

It is urged, further, that Chinamen send their wages out of the country.

The Chinaman wears good clothing and eats good food when he can afford to do so. He is not so far a slave to the habits of his ancestors as to wear a suit of cotton cloth and sandals of straw when he can do better, nor eat rice when a fuller diet is available. The conditions of climate and of labor among us are so far different from those in South China, that better clothes and better food become indispensable. As a matter of fact, the Chinese in California dress better than other laborers, and eat quite as good food.

It follows that the Chinese, like most other people, live well up to their incomes. I do not believe that they are able to send out of the country more than ten per cent. of their wages. The advantage of the other ninety per centum remains with us. They create much wealth and carry away a small portion of it only.

It is declared again that the Chinese are vicious.

A great deal of confusion must exist in the minds of the people of the Eastern States in consequence of the contradictory

reports which come from California in regard to the Chinese. How, for instance, are we to reconcile the statement that they are industrious and frugal with the allegation that they are vicious? People who are vicious are usually indolent and reckless; careless of themselves as they are careless of others. The industrious and frugal man is the reverse. Yet we hear the one statement as often as the other. It is because many believe that the Chinese are industrious and frugal in a remarkable degree, that they say their competition is to be dreaded.

The truth lies between the extremes of opinion. There is industry and frugality among the Chinese; there is vice and destitution. They are not unlike the people of California in these respects, and not unlike the most favored of mankind.

The statistics of the charitable and penal institutions of California bear out this statement. The Chinese scarcely enter our hospitals. They are not encouraged to do so, perhaps, and they have the not undesirable habit of caring for their own sick. Regard being had to their numbers and the disparity between the sexes, they do not exceed the whites in the prisons of the State. There would be fewer of them in prison if they were dealt with more liberally and justly.

As a commentary upon the lack of care shown by the State in dealing with the Chinese, it should be known that there is not to-day one competent interpreter of Chinese in the permanent employment of the State, or of any town, city, or county in the State. No pains are taken to learn how far they may be trusted and none to secure their trust—to win them away from crime or to deal intelligently with crime when it occurs.

A further and very positive declaration is that the Chinese will not assimilate with our people; that they do not care to become citizens; that they are not fit to become citizens; that our civilization makes no impress upon them; that they remain, and will remain forever, an alien and indigested element in our body politic.

Perhaps no misstatement which has been put in circulation in regard to the much-abused Chinaman has been more often repeated or has found more ready acceptance than this; yet it is as unfounded as it would be to declare that one earth does not nourish him and us; one heaven does not overarch his race and ours. The Chinaman does assimilate with us when we allow him to do so.

I have not intended to cite evidence in this paper, but there is one bit of testimony before me which is so touching and so true that I quote it here, as it was read lately in the Senate of the United States. The writer is a lady resident in Connecticut. She says:

"It is seventeen years to-day since my brother, a young man of rare promise, laid down his life on a Southern battle-field in defense of human rights, and his blood cries out against those who are trying to make us believe that God and our fathers meant only black and white when they declared the nations of one blood.

"Ten years ago we received into our household two Chinese lads, twelve years of age, who came from the middle or merchant class, and were members of the Chinese educational mission recently recalled. These boys, taken from heathen surroundings, were not only as intelligent, courteous, and refined as any youths in this Christian land, but they were exceptionally noble and high-minded. During all these years they have grown into the heart of our family life, tender of our sick and aged, sorrowing with us over our dead, until they have become our own kindred; and the hopes and ambitions buried in our brother's grave blossom anew as they live over his experiences in their college career. You can understand, then, how our hearts grow hot with indignation as we hear men who are not worthy to stand in their presence speak of our beloved brethren as belonging to an essentially and irreclaimably inferior race. Like the Jews of old who despised the Gentiles, these noble Senators will, some of them, see the despised Chinaman sitting with Abraham and Isaac, and themselves, the children of the kingdom, cast out."

Nearly twenty years of my life were spent in China. I cannot recollect the moment during all those years when among the officials of the country, and among those people who had been educated more or less by contact with Western people, I had not friends with whom intercourse was a matter of satisfaction and pleasure. For general kindliness, the Chinese official is not inferior to any other class of officials. For earnestness of purpose and aspiration, the Chinaman who has become a proselyte to our religion, or has observed the progressive tendencies of our civilization, leaves nothing to be desired. If they possessed less stability of character, were fickle and variable, if they would put on our garments, and conform to our own habits in mere externals, they would appear to the average observer in a more hopeful way; but this would not make them more worthy of esteem and confidence.

If they do not assimilate, in what do they not? It is admitted that they take up with our industries. It is admitted that they are keen merchants and traders. It is admitted that they learn

our language quickly. It is admitted that many join our churches. Their dress in our country is a mixture of their own and ours, they live in our kind of houses, they eat our food, they follow us, in fact, about as fast and as far as we allow them to follow.

I have no patience with the statement that the Chinaman is a different sort of being from ourselves. I do not agree with Senator Miller when he says that one person like Washington or Newton, Franklin or Lincoln, has been of more service to humanity than all the Chinese who have lived and died in the lands of the Hoang-ho. Sir Frederick Bruce knew them, and said that the members of the cabinet of Peking were fit to be compared with those of any Western cabinet. What was the secret of the enthusiasm of Anson Burlingame? Why has Yung Wing been sought in all American society where he has been known? Why does the study of the literature of China fascinate all who enter upon it? Why has China had a settled government far longer than any other race or people?

There is merit in the Chinese stock, and those who do not see the fact do not know them or are blinded by prejudice. Having merit, they would become a valuable accession to our society if we would allow them. They were far away ahead of us in the arts and sciences, and in the refinements of life, a few generations ago. We must not claim that our stock is a better one now, unless we are prepared to admit that theirs was a better one then.

A further objection urged against the Chinese as immigrants is that they are likely to overwhelm us; that their numbers and necessities are great, and that they will fall upon our shores in such force as to take possession of all our employments, and leave us no room and breathing-space.

I should not like to see such a condition of things, but I am aware of no reason why it may be expected. If the history of their race gave one instance in which they have occupied the territory of men of Caucasian origin, I might feel differently. So far are they from having done this that they have left intact the boundaries even of their Asiatic neighbors. They do not come among us in considerable numbers. In thirty years they have given to the Pacific coast less than one hundred thousand people, while we of the Eastern States and of Europe have poured in there at least one million. They do not hold their

ratio in the population, but are becoming less numerous in relation to the whole.

It will be time enough to deal with this danger when it arrives. To-day it is not a danger at all. An Eastern man may smile at the fears of Californians when he sees eight hundred thousand Europeans arriving in New York as against ten or a dozen thousand Chinese at San Francisco; a million, perhaps, to reënforce fifty millions against ten thousand to reënforce one hundred thousand.

Other objections have been urged against the Chinese, some of which are unfounded and others are more or less just. Among the former are such statements as that they have set up a government of their own upon our soil, that they would not fight for us in time of war, etc. Among the latter are the declarations that the few Chinese women in this country are in large part prostitutes, that many criminals find immunity by escaping to our shores, and that some diseased persons and paupers come among us. I shall not stop to disprove the first of these allegations, nor do more here than to say that while there are evils in the latter directions, the tendency in California has been to draw a darker picture than the facts warrant.

II. Three years ago, while Minister at Peking, I undertook to effect an arrangement with the Chinese Government which would afford to the Chinese the continued protection of the Burlingame treaty, and at the same time meet in a reasonable way such objections to their immigration as might be entertained honestly by our own people. The Chinese Government received my representations in a liberal spirit, and agreed to execute further articles with us under which the migration of their people to our shores should remain unquestioned, saving in those directions in which we were prepared to urge that evils might have occurred. The pauper, the lewd woman, the criminal, the diseased person, the person who had sold his labor, we could complain of as unsatisfactory immigrants. Against the Chinese as Chinese I had no objections to offer, although I pointed out that more radical measures might be demanded by our Government under the pressure of public opinion.

Against the measures thus proposed no sound objections can be urged. They were conformed to the spirit of our institutions and to our traditional policy. They were conformed also to the

practice among civilized people at large, and to the canons of that unwritten law which is recognized by each civilized people in its intercourse with other peoples. They were not offensive to China. They were well calculated to draw more close the friendship between us which had been fostered and strengthened by years of honest intercourse.

I may be allowed to present this proposed disposition of the matter as in all respects sufficient and satisfactory. For if the Chinaman who comes to our shores is not a criminal nor a pauper, is not diseased and does not bear the taint of a servile condition, in what respect is he objectionable?

This settlement was rejected. Its details even have not been given to the public. Called for twice by resolutions of the House and Senate, the correspondence remains in the files of the State Department, held back, as if the public cannot be trusted to know all about it. Instead of this settlement another has been proposed and partially accepted, which is open to the gravest objections.

III. Those who hold that Chinese labor is servile, that the Chinese displace laborers of our own stock, that they send their earnings out of the country, that they are vicious, that they will not assimilate with us, that they are destined to overrun our country, having asserted all these things, take it for granted that all men must agree in their conclusion that the Chinese should be excluded from among us.

That the statements of fact put forward by these persons are largely unfounded is shown, as I believe, in the evidence and considerations which have been briefly summarized in the first portion of this paper. The methods adopted by them to force their conclusion upon the country should be noted here.

Two years ago the Burlingame treaty was in force. It was as binding upon us as any other treaty in the whole list of treaties to which the nation was pledged. By its stipulations the right was guaranteed to the Chinese to come among us and to dwell with us; yet the anti-Chinese politicians of the Pacific coast demanded of Congress and secured the passage of a bill, which provided that no more than fifteen Chinese passengers should be allowed to come within our borders by any one vessel.

The President refused to approve this bill, reminding Con-

gress and the country of the fact that the good faith and honor of the nation made his veto necessary.

In that instance the people opposed to the Chinese gravely discredited themselves. At this moment they are doing the same thing. For although they have been able to secure a treaty with China, made in their own interest, they are not content to keep within its lines in their eagerness to accomplish the purpose which they have set before them.

By the recent treaty with China we secured the right "to regulate, limit, or suspend" the immigration of Chinese laborers. The treaty provides, however, that the principle involved in the Burlingame treaty shall not be discredited by the new stipulations, that immigration shall not be prohibited, and that any limitation or suspension proposed by us shall be reasonable.

The intent of the Chinese Government in the matter may be inferred with a degree of certainty from the text of the treaty as indicated above. It becomes clear beyond dispute, in view of the following extract from the *précis* of a conversation between their commissioners and our own, given to our Government by the latter, as having taken place on the 23d of October, 1880, while the negotiations were in progress. The Chinese are put upon the record as follows:

"By limitation in number they meant, for example, that the United States having, as they supposed, a record of the number of immigrants in each year, as well as the number of Chinese now there, no more should be allowed to go in any one year in future than either the greatest number which had gone in any year in the past, or the least number which had gone in any year in the past, or that the total number should never be allowed to exceed the number now there. As to limitation in time, they meant, for example, that Chinese should be allowed to go in alternate years, or every third year, or that they should not be allowed to go for two, three, or five years."

Alongside of this declaration of the views of the Chinese commissioners may be placed the following statement by our commissioners of the action which our Government would probably take if accorded the right to legislate in the premises. It is taken from the same document:

"If Chinese immigration concentrated in cities, where it threatened public order, or if it confined itself to localities where it was an injury to the interests of the American people, the Government of the United States would undoubtedly take steps to prevent such accumulations of Chinese. If, on the contrary,

there was no large immigration, or if there were sections of the country where such immigration was clearly beneficial, then the legislation of the United States under this power would be adapted to such circumstances. There might be a demand for Chinese labor in the South and a surplus of such labor in California, and Congress might legislate in accordance with these facts."

Now, what is the legislation which has been proposed under the treaty so made? It is not to regulate the number of immigrants, so that they shall not exceed the greatest or the least number of the immigration of years gone by, not to suspend immigration for two or three or five years, not to prohibit immigration at one point and to admit it elsewhere, but to absolutely prohibit the coming of all industrial Chinese for twenty years.

Well might a Senator of Southern birth and allegiance demand, in view of such proposed legislation: "Can we believe that the Chinese Government would have agreed to the treaty if they had understood that this was to be our interpretation of it?"

Again: The treaty provides that—

"Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nations."

The opponents of the Chinese, having initiated legislation intended to exclude Chinese laborers, found it necessary to propose further that persons not laborers coming from China shall provide themselves with passports, and to provide for a cumbrous and vexatious registration system. The first step, so unusual as between nations at peace, must be followed by these further steps or it would prove futile. And so the burden of proof was to be shifted from ourselves upon the Chinese at whatever cost to the latter, and regardless of the treaty which prohibits us from making such rules unless we make them for all the rest of the world.

This act, so subversive of the treaty, was returned to Congress by the President, disapproved "for the honor of the country." It has been followed by another act which has already passed the House, and which is said to contain practically all of the objec-

tionable features of the first act, saving only the reduction of the term of prohibition from twenty years to ten, a reduction which does not bring the law within the treaty by any means.

There are two general features of the bills in question which should be spoken of here.

First, as to the exclusion of any people from our shores.

There can be no doubt that any nation has a right to exclude an individual immigrant for cause personal to himself. I doubt, however, whether there is to-day any nation that is called civilized which excludes immigrants because of race or for economical reasons. It certainly has not been our practice, saving in days when slavery controlled our legislation, and then only as respects the negro.

It is alleged, nevertheless, that a whole race or class may be shut out for reasons which would operate in the case of the individual, and in the recent treaty with China a show of defense for the new policy is put forward as follows: "If," the treaty says, "the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the country, or of any locality thereof," then the United States may regulate, limit, etc.

I insist that under this stipulation and in view of the practice to which we have adhered in common with civilized states generally, it is incumbent upon us to make out a clear case against the Chinese before we can exclude them at all. Those of the Chinese who have come among us heretofore have been very useful to us, and they have been peaceable. It is not dangerous to admit such a class, and their coming cannot affect our country or any part of it unfavorably. It is no answer to say that our people will abuse them, that we cannot protect them. It is our duty to protect all innocent men among us, and we fail in our duty if we do not. We have protected the Chinese measurably, and it is likely that we can do so now better than ever in the past.

Second, as to the exclusion of the Chinese from naturalization.

The act which passed the two houses of Congress and was vetoed by the President contained this section:

"16. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed."

It has been our practice to admit to citizenship all persons who declare their intention to remain among us, and who have been with us for a period fixed by law. This, also, is a practice which is more or less observed in all countries. It is more appropriate for us than for other countries, because our state is democratic, and because it is more difficult, perhaps, to defend a disfranchised class here than elsewhere in the world.

Now it should be understood, as I think, that many of the Chinese in this country are well qualified by education and intelligence to vote, and that it will be far easier to defend the whole class of the Chinese if the suffrage be granted to such of their numbers as are fit to use it. The argument is not different from that which was used regarding the negro after the civil war. To admit the negro to vote was objectionable for many reasons. It was necessary, however, in order to defend him against the wrongs to which the members of a disfranchised class might be subjected. If it should be granted that few Chinese are fit to vote, still the suffrage should be extended more or less freely to them. We have often to choose between evils. Three thousand such voters in California would make a great difference in the temper of the two political parties, and three thousand intelligent and educated Chinese may certainly be found within the State.

It has been urged, and with reason as I think, that refusal to naturalize Chinese would constitute a violation of the recent treaty with China. For although we do not grant citizenship in pursuance of treaty stipulations, we do in effect grant it to all comers, and to withhold it from the Chinese only is inconsistent with the "most favored nation" clause of that treaty.

The field of discussion thus opened is extensive and interesting. It is unsatisfactory to pass by it so hastily, but there are other considerations which must be suggested.

China has not yet ranged herself perfectly in line with Western states. She maintains reserve in her relations with the West, and adheres to institutions and methods which are singular. Yet her territory is vast, her resources great, her industries numerous, her population uncounted. She offers to our people a great field for enterprise. She lies facing us on the opposite shores of the Pacific, and for all reasons our intercourse with her should be extensive and profitable.

More fortunate than some other Asiatic states, China has

never been subjected to European conquest, and no terms have been imposed upon her by foreign powers, saving such as have been reasonably necessary to defend persons resorting to her shores for purposes of trade and to protect their property. The treaties with China are alike in their general terms, and the fact raises a strong presumption that the several powers have judged the situation alike, and found the same measures requisite for the safe conduct of intercourse.

The special features of the treaties to which attention should be called are as follows: *First.* They exempt foreigners from the jurisdiction of the territorial authorities and provide for courts of the various countries concerned. *Second.* They establish a permanent tariff of duties on all merchandise imported or exported. *Third.* They provide a system under which merchandise owned by foreigners may be carried free of duties throughout the interior.

The first treaties were made in 1842–44, and just as these treaties were singular yet identical, so it has happened that the powers have been drawn into a general concert of action to maintain these stipulations as well as might be and to secure good relations.

It will be said at once that such treaties must be distasteful to China. This is true, and it is true that China will struggle to free herself from them. They defend foreigners in their dealings with China. They defend Chinese in their dealings with foreigners. They have made trade and intercourse possible, to our advantage and the advantage of China. Yet they are burdensome and abnormal, and create difficulties which are only less serious than those which they are intended to remedy. No government will be just to China or to itself which does not lend aid to China—not to break away from the treaties, but to so far improve her policy and administration that such treaties will no longer be needed. China has already done something in this direction, but she is still far from having wrought out the conditions under which we may trust our people and their property to her control, as we trust them to the control of the more advanced states with which we are allied.

The policy of China has been based on the principle of non-intercourse. Our policy has been to break down this disposition on her part, and to bring her into relations for our own advantages and for hers. We have pleaded for broader intercourse in

good faith. We have justified strong measures intended to bring about a broader intercourse and better relations. We have asserted the inalienable right of our people to mingle with hers. We have built upon that corner-stone as she has builded upon the other.

And now what are we doing but abandoning our own ground and taking a place on hers? And what must be the result of this singular departure?

It has been said that the Chinese are utterly indifferent to the treatment accorded to their people in this country. I have never supposed that the Government of Peking cares particularly to defend the immigrant for his own sake or for the sake of the material interests of the Empire. But I have supposed that the highest officials of the Empire feel keenly the fact that we despise their people, and impose upon them restrictions which we do not place upon others. They are proud of their stock and of their country, as they have much right to be, and, like Shakespeare's Jew, they will resent unfriendliness.

Out of respect and friendliness for us, the Government of China was prepared to join us in instituting the measures needed to prevent the supposed vicious elements of the migrating stream from reaching our shores. We rejected this mode of dealing with the matter, and demanded permission to suspend all immigration. Two courses were open to China. She could have said, "No, we will not agree to such a discrimination against our people," or "Yes, go on, but be reasonable." She chose the latter course, and there was not a little shrewdness in her policy.

She has felt the pressure upon her which has resulted from the concert of action between the foreign powers. If she should hold us to our treaty obligations, we would continue the effort to hold her to hers. If she should release us, and we, taking the liberty given, should break away in fancied irresponsibility, what would be easier for her than to turn upon us and demand acquiescence when she seeks to break away from the bonds in which the treaties have bound her? It has required the united diplomatic pressure of all the nations to hold her up to her engagements. We have distinctly severed ourselves from the general concert, and the consequences may be disastrous. There may be no change evident to the ordinary observer, but having divided in a practical way the forces arrayed in defense of trade and intercourse, she may take up a reactionary policy with less danger than before.

It will be dangerous, nevertheless, for China to enter upon a more active reactionary policy. A fair observance of existing treaties is all that the West has insisted upon. With the Western powers united, China has yielded a more or less perfect obedience to the treaties. With the Western powers divided, she may be encouraged to overstep or disregard the treaties, and to this sort of thing there can be but one result: force will be brought to bear and the integrity of the Empire threatened.

The part of America in China has been to make no extreme demands. We have sought to be moderate ourselves and to moderate the counsels of other states, so that we might stand with them in all respects. Our friendliness has been appreciated by the Chinese, and they have turned to us in all their difficulties with confident reliance upon our good disposition. Our policy has been dictated by a sense of justice, and yet it has been far-seeing. It is an object for us to defend the Chinese people against all foreign encroachments, and to preserve the Empire for that long future of beneficial intercourse which we have had a right to expect.

The conditions created by the presence of their people in California have aided us in the successful prosecution of our policy. We have dealt liberally with them in despite of many difficulties. The Chinese Government has appreciated this, and the fact has armed us with the strongest possible claim upon its confidence and the strongest possible arguments for greater liberality on its part.

But to-day what strength has America in China? We have never been feared. We shall not be feared in the future. They know as well as we do that we will never call the gun-boat into action. Their gun-boats, in fact, are rather better than ours. Our strength has been in our moral position, and that we seem determined to abandon. To be neither feared nor loved by an Asiatic state is to be despised, and that is what we are coming to, apparently, in China.

We have a measure of strength, of course, from the fact that other powers will defend the rights of their people who are resident upon Chinese soil, and that our people will obtain the protection of foreign governments. The situation which is thus indicated should not gratify us. We make the difficulties of other powers greater by our dealings with the Chinese. Illiberal and dishonest courses on our part militate against all foreigners,

and to stand behind them under such circumstances will not tend to exalt us in our own esteem, in theirs, or in that of the Chinese.

It has been supposed that our commissioners advanced the influence of America in China, while striking a blow at England. I refer to the clause of the so-called commercial treaty negotiated by them, in which they agreed that our people in China shall not buy, sell, or transport opium. We grew very complacent over this, quite forgetting that the Chinese themselves grow opium, buy and sell it, transport it, and derive large revenues from it, and that they will continue to do so. There is no clause regarding opium in any treaty with China which was made under pressure. We ourselves suggested the terms upon which foreign opium is brought in, and we made the suggestion because it was desirable to regulate a traffic which neither side cared to condemn. We grew complacent over the action of our commissioners, but others concerned are wise enough to see that we effected by it only a certain grave discrimination against our merchants. Opium, so far as we are concerned, was a medium of exchange. It was a good cargo and a good remittance. It remains so for them, but not for us. If the Chinese were disposed to exclude opium from the Empire, the case would be different. They are not disposed to do so, and they have used our pretended humanitarianism to point the finger of scorn at England, and to put us measurably out of the range of competition in the carrying trade of their coast and rivers. That is what the opium clause accomplishes, and no more.

If I am right in my views, then we are tending to take up a policy as respects the Chinese which is at variance with all that has been best in our earlier intercourse with them; which is at variance with the principles which have been observed by us in our intercourse with the people of other states; which is at variance with the practices of civilized states generally, and which will militate against real interests on our own soil and the interests of our people engaged in commerce. We have yielded to the cry from the sand-lots, and all the rest has followed, as a matter of course. It remains to be seen whether there is good sense and principle enough in the country to bring us back at the last moment to a more honorable and a more discreet policy.

GEORGE F. SEWARD.

OLD-SCHOOL MEDICINE AND HOMEOPATHY.

PROFESSOR PALMER, in his article in the March number of the REVIEW entitled "The Fallacies of Homeopathy," says truthfully that it is gratifying to know that the amount of indifference and ignorance which has existed in the past, on the part of the public, as to the conditions which affect their health and life, is fast diminishing at the present.

As an evidence of the truth of this statement, he refers to the interest taken in the recent long struggle for life of the late President of the United States, which has brought before the minds of the masses of civilized people details which had not before received so general attention; and on the strength of these statements he writes a twenty-two-page article on the "fallacies of homeopathy," and the "present scientific methods and the great results accomplished by the *regular profession.*" It is true, the public did take a decided interest in the details of this now celebrated case; millions of people watched and prayed at that bedside. The course of that bullet; the joy of the doctors when, by the aid of a delicate and truly scientific instrument, the exact location of the ball was accurately determined; the surgical operations, the hypodermic injections of morphia, the hundreds of grains of quinine administered; the fluctuating temperature and pulse, the various announcements that the President was now out of danger, and the disputes and scientific dissertations on septicæmia and pyæmia,—were all freely commented upon and discussed by these millions of people, who were taking their first lesson in medicine, and learning for the first time of the "present scientific methods and the great results accomplished by the regular profession." And when finally the calamity came which draped this entire country in mourning; when it was learned that the most skillful of the regular profession had utterly failed in their diagnosis; that

they had, as the post-mortem showed, been directing their attention to a portion of the body far distant from the actual seat of the injury, and that the scientific and delicate instrument so ably handled had deceived these distinguished scientists,—these millions of people, mourners now, asked of each other how such a mistake could have been made, and whether medicine was really a science after all.

Having taken occasion to refer to the case, would it not have been better for the doctor to have first explained to the readers of the REVIEW why and how these terrible mistakes were made, instead of occupying his time in the discussion of a subject upon which, for the want of knowledge only learned by experience, he is totally ignorant? I would not have it thought that I pass a word of criticism upon the distinguished surgeons in attendance upon the late President, or desire to reflect upon their efforts to save to this nation his valuable life. They were selected for their known skill; they were untiring in their efforts; they did their best to relieve his suffering and restore him to health. But that best proved a total failure; and I say again, it would have been wise for the doctor, while attempting to defame homeopathy, to have omitted from his article the clause referring to "the present scientific methods and the great results accomplished by the 'regular' profession."

The doctor attempts to account for "the great repugnance and general refusal of 'regular' physicians to sustain professional relations with homeopathists." The doctor is somewhat behind the times. He can well claim such bigotry for his school in the past. To-day, however, that school is emerging from the mist of prejudice that so long enveloped it. Has he not heard of the address of Doctor Jonathan Hutchinson, at the World's International Convention recently held in London, and of the address of Doctor John Tyer Bristow, President of the British Medical Association, in which this recognition and these consultations were advocated? Was he not aware of the fact that, at the very time he was writing his article, a committee of the New York State Medical Society, consisting of Professors C. R. Agnew, H. G. Piffard, and St. John Roosa, of New York, and Doctor I. C. Wey, of Elmira, were preparing a report favoring such recognition and consultations? Is he now aware that the report of this committee was accepted, and that, even before his article was given to the public, the Medical Society of the State of New York, at

their annual meeting in Albany, resolved to expunge from their code of ethics the clause prohibiting professional relations with homeopathic physicians?

He alludes touchingly to the scientific attainments and liberality of his "regular" brethren, and as an evidence of the latter he asserts that they have shown a readiness and even an eagerness to entertain new ideas, and accept new truths; that "new remedies brought into use by Thompsonians and Eclectics have been investigated and adopted"; that they have been willing to learn even from dentists. It was, indeed, liberal in the doctor to make this statement; but it must be borne in mind that he was not writing up Thompsonianism or Eclecticism, but was attempting to prove the "fallacies of homeopathy." Would it not have been well for him to have been truthful as well as liberal, and to have acknowledged that very many of the remedies in constant use by the advanced physicians of his school, at the present day, both in acute and chronic diseases, were first introduced for the conditions for which they are used by homeopaths? I make this assertion, and propose to substantiate it by documentary evidence gathered from their own authorities. In the leading journal of Doctor Palmer's school, "The Medical Record," in its issue of February 25th of the present year, appears for the first time an article—conclusive so far as it goes—favorable to homeopathy. In that article, from the pen of a "regular" practitioner, and read before a medical society composed of "regular" physicians, appears this paragraph, referring to the action of certain remedies known to be curative, and in constant use by the members of his school:

"Where shall we go to obtain some explanation or reason for this? Have we an author who will point it out to us? If we have, I have failed to find him. On the contrary, the more I studied the matter the greater was my confusion, until I sought in homeopathic works for a solution, and then I found it clear and simple; and I may say that the indications for the use of the different mercurial preparations, as pointed out by the earlier homeopathic writers, are those by which they are now governed in practice. We adopt the treatment empirically and are in a measure successful; but not recognizing the law by which it is administered, we use the remedy at a great disadvantage."

Again:

"There are two things in homeopathy that at once antagonize the 'regular' physician—the similia principle, and the size of the dose administered; and

the feeling is so bitter that scarcely a physician can be found who will make the least investigation of it. My only wish is that we may investigate the subject carefully and wisely, and if we find that the principle of *similia similibus curantur*, even to a limited extent, is correct, it is our duty at once to admit it. And if the administration of drugs in minute doses, in the form of dilutions and triturations, is more beneficial than when given in the usual form and way, we should at once acknowledge it; and not only that, we should make good use of them so far as they may go in treating those who may be placed in our care."

In prefacing that article, the author says:

"Numerous theories have from time to time been advanced to explain the actions of medicines upon the system, each one being accepted for a time by a greater or less number of the profession as a satisfactory explanation, only to be superseded by some later theory, until to-day we are almost as ignorant of the action of medicine upon disease as we were one hundred years ago. In 1797, Hahnemann announced the principle which has made him famous. Although it has been received with derision by a vast majority of the medical world, it has steadily progressed in favor, overcoming obstacle after obstacle, until to-day the system of medicine founded upon it numbers among its patrons and steadfast friends a large proportion of the more intelligent and cultivated people of each community. It is recognized in some of our universities. Our State boards of health are in part composed of homeopathists. Some of our State institutions are controlled by them, and in a late number of the "Medical Record" it is announced that the Binghamton Asylum for the Insane has been placed under the medical charge of a homeopathist. This is the second asylum for the insane in the State of New York under homeopathic control. Consultation with homeopathists has been advocated by such men as Jonathan Hutchinson and John Tyer Bristow. With such facts staring us in the face, it becomes our duty as honest practitioners of the healing art to investigate calmly and thoroughly the claims of homeopathy, and if we find that it teaches the use of any remedies which, used according to this system, are more successful in the cure of disease than those remedies we have been taught to prescribe, we are bound by honor, duty, to say nothing of self-interest, to use them. The subject is too vast to be considered in a single paper. I shall, therefore, select two medicinal substances,—viz.: aconite and mercury,—and shall try to prove by our own standard authorities that, when we are successful in treating diseases with them, it is in accordance with the homeopathic doctrine, and although all sorts of explanations are advanced as to their *modus operandi*, the plain, simple fact is that Hahnemann gave the symptoms and treatment, years ago, that Professors Bartholow and Renger now emphasize."

This article was published in full in the "Medical Record,"—and without comment. O sage of Ann Arbor, Michigan! Is this the despised Hahnemann, the despised homeopathy, which has taxed the brains of the "regular" profession for years for

words with which to ridicule it, and for expressions of disgust and condemnation with which to defame it?

It is not our purpose in this paper to defend homeopathy; it needs no defense. The arguments and statements used in the doctor's article have been answered time and time again; they are so old that they have become threadbare. We shall show, by a review of the so-called "regular" medicine of the past, of the present,—show, too, from the mouths of its most prominent authorities,—that, so far as its therapeutics go, which is the only respect in which it differs from homeopathic medicine, it cannot in the present, it never could in the past, lay claim to "scientific methods"; that till the time when homeopathy was introduced by Hahnemann, and for many years after, its therapeutics were worse than useless in a majority of instances; that homeopathy deserves the credit of effecting a change in the treatment of disease by the old-school physicians, which has resulted in at least a less destruction of lives; and that their modified treatment at the present day, in many of the instances where it is positively curative, is owing to the administration of drugs in accordance with the homeopathic law of cure—*similia similibus curantur*. We shall, then, briefly sketch the life of the founder of the homeopathic method of proving drugs and prescribing for disease, and give, for the benefit of the lay readers of this journal who may have been misled by the article in the March number, the present standing of homeopathy as a school of medicine, with a summary and explanation of its great truths.

But, before going farther, we desire to dispose of the word "regular," as applied to a certain school of medicine. "In the absence of any distinct and authorized declaration on the part of the prominent medical associations of this country as to what constitutes a regular practitioner, and as the code of ethics of the American Medical Association is silent on the subject, and as no medical body had ever given a definition of the phrase, 'regular physician'" ("Medical Record"), we, in our annual presidential address before the American Institute of Homeopathy, took Webster's Unabridged Dictionary as our guide, and defined the word "regular" in its application to physicians; and the Institute thereupon accepted this definition of the phrase "regular physician," viz.: "A regular physician—a graduate of a regularly chartered medical college."

We will pass over the early history of medicine—which commenced with Adam, who, in all probability, "when ill or hurt, employed such appliances to relieve himself as his instinct or reason suggested." We will not refer to the methods of treatment adopted by Hippocrates, Galen, Discorides, Paracelsus, or those of other physicians prominent in their day, but give a few examples of the treatment of the sick in the early part of the present century—about the period when Hahnemann inaugurated his innovation upon the "regular" system, which system with but little change continued to be the method of treatment advised by the authorities in "regular" medicine, and adopted by their followers till two or three decades since, when an entire revolution seems to have taken place. We will compare this treatment with that of the so-called "regular" school of the present day, and then simply ask the question: Has homeopathy had anything to do with this wonderful change?

A physician was called to a case of pneumonia or pleurisy. He referred to his authorities. He found the following advice laid down:

"Begin with a large and free bleeding, not deterred by the obscure pulse sometimes found in peripneumonia, carrying this evacuation to faintness, repeating these bleedings as the strength of the patient will bear. The application of a blister to the chest. The bowels must be well evacuated, and subsequently be kept regular. Antimony, combined with mercury, must be administered to promote the discharges, especially from the skin and lungs; opium to allay the cough and to procure sleep. If there is wheezing respiration, squills in nauseating, even emetic, doses, to relieve the patient from the viscid matter collected in the air-passages."

"Carditis and Pericarditis: Free bleeding; a blister over the heart; purging to a greater extent than in pneumonia; opium to procure sleep."

"Meningitis: Begin, on the first attack of the disease, by bleeding the patient as largely as his strength will permit. In some instances it may be productive of more relief if the temporal artery or the jugular vein be opened. Cupping and leeches in the progress of the complaint; active cathartics given directly after taking blood; calomel with jalap, antimonial, and mercurial preparations; blisters to the back of the neck, behind the ears, and to the temples; mustard poultice to the feet."

"Croup: Blood from the arm or the jugular vein; several leeches along the fore part of the neck; a nauseating emetic; ipecacuanha with tartarized antimony, cathartics, diaphoretics, digitalis, to control the heart's action; large blisters near the affected part; mercury to speedy salivation; opium, etc."

This was the old-school treatment till twenty-five years ago. And thus I could go on enumerating every inflammatory disease,

and should find, by consulting the authorities of that date, this same debilitating system of torture recommended. Was this an improvement on the system of three hundred years ago, when the mind of the patient was the principal medium through which the physician worked his cure, sensible enough to leave the disease to the tender care of nature? Is it a wonder that Addison should have laid it down as a maxim "that when a nation abounds in physicians it grows thin of people"? Is it surprising that Bichât, the great French anatomist and physiologist, should have written, as his conclusion of the accumulated experience of the drug treatment of disease: "An incoherent assemblage of opinions that are themselves incoherent, it is perhaps of all physical sciences that which best illustrates the vagaries of the human mind. What do I say? It is not a science fit for a methodic mind: it is an unshapen mass of inaccurate ideas, of observations often puerile, of illusive methods, of formulæ that are as grotesquely conceived as they are artificially combined. Medical practice is said to be contradictory. I say more: in certain regards, when one considers the precepts of most of our medical books, it is not a profession to be followed by sensible men."* Yet this irrational method of treating disease by bloodletting—as universal for trifling and serious ailments as was the death penalty for petty and great crimes—continued and was in full force when Hahnemann first announced the result of his investigations: That to be curative a drug must be capable of producing in the healthy human being symptoms similar to those for which it was prescribed, and that to be curative it must be given in doses so small that the physiological effects could not be perceived. These methods were continued by the "regular" school till a quarter of a century ago. As late as 1846, in the "British and Foreign Medical Review," Sir John Forbes wrote: "In a large proportion of cases treated by allopathic physicians, the disease is cured by nature, and not by them. In a lesser, but not a small, proportion the disease is cured by nature in spite of them, in other words, their interference opposing instead of assisting the case. Consequently, in a considerable proportion of diseases, it would fare as well, or better, with patients in the actual condition of the medical art, as more generally practiced, if all remedies, at least active remedies, especially drugs, were aban-

* Bichât, "Anatomie Générale," Tome i., p. 9.

doned"; and at this present time Oliver Wendell Holmes writes: "If all drugs were cast into the sea, it would be so much the better for man and so much the worse for the fish"; and Napoleon I. once said to his chief physician: "Believe me, we had better leave off all these remedies. Life is a fortress that you and I know nothing about. Why throw obstacles in the way of its defense? Its own means are superior to all the apparatus in your laboratory. Medicine is a collection of uncertain prescriptions, the results of which, taken collectively, are more fatal than useful to mankind." And another, but later, writer refers to "that rare event which occurs only to patients who can't afford doctoring—death from old age." The treatment of acute disease, which I have quoted, is from old-school authorities published about forty years ago.

Even Watson, in his edition of 1858, is hardly willing to acknowledge that the treatment adopted by his predecessors was not the proper treatment for the flagrant forms of inflammation with which they were dealing, when on the basis of experience they put these remedies in force. Take his treatment of peritonitis. In speaking of the mode of cure in this disease, he says:

"I have again to rehearse the grand remedies for inflammation: blood-letting, mercury. It is of the greatest importance that the blood-letting should be performed early. After a full bleeding from the arm, such as has produced some sensible impression upon the circulation or brought the patient to the verge of syncope, the surface of the belly should be covered with leeches; from twenty to forty may be applied at once. And sometimes this will make any further loss of blood unnecessary."

I should consider it highly probable. This was called heroic treatment. Referring, however, to pneumonia, he says:

"My own experience teaches me that such flagrant and sthenic forms of pneumonia have become very rare among us. Years have passed by since I have met with any instance of that disease which has required blood-letting. I may say the same of inflammatory diseases in general. They have all become less tolerant of blood-letting since the cholera swept over us in 1832."

Was it the change in the character of disease, or was it an advance in the art of medicine? Had they not begun to hear of the wonderful recoveries effected without the aid of the lancet, without all this torture and depletion?

Niemeyer, who stood, in the year 1868, about where Watson stood ten years previous, says with regard to the treatment of peritonitis:

"Views have changed greatly of late. Formerly, every patient treated was bled a pound or two. Then the abdomen was covered with leeches, and one to two grains of calomel given every two hours, and at the same time a quantity of mercurial ointment was rubbed into the skin of the thighs and abdomen. That was proper treatment; the patient died, and no one thought of asking who recovered. That treatment was just as irrational as it was injurious. On examining the bodies of patients who died of peritonitis with abundant effusion, even when no blood had been taken, the *tissues* were found uncommonly bloodless. But, on examining the bodies of persons dying from a peritonitis treated according to the method formerly so universal, we find so very little blood in the heart and arteries that we are tempted to ascribe death to the treatment rather than to the disease."

He also denounces the use of calomel and mercurial ointment. Again, in the last edition of his "Text Book of Practical Medicine," vol. ii., page 353, in speaking of the treatment of rheumatism and endocarditis, he says:

"Great, however, as is the number of remedies and modes of cure recommended for rheumatism, it is only equalled by their untrustworthiness. We are no less helpless against the Morbus Brightii, the acute exanthemata, and the other infectious maladies which give rise to endocarditis, or, at least, predispose toward it. With regard to the indications from the disease and the antiphlogistic apparatus, we have already and repeatedly declared that the majority of the so-called 'antiphlogistics,' and, above all, venesection, often as they are employed in inflammation, have no right to the name. But, in spite of contrary assertions on the part of French and English physicians, there is, perhaps, no affection in which the practice of bleeding without special occasion, as well as the employment of calomel and blue ointment to reduce the plasticity of the blood, is so dangerous as in endocarditis; and we must agree entirely with Bamberger, when he states his belief that most patients who die during an attack of this malady have perished less from the disease than from the treatment."

Professor Aitken, in his valuable work published in the year 1868, says of the treatment of pneumonia: "There is no substantial evidence on the side of treatment by tartar emetic, but much against it. The circulation can be more safely controlled by the careful administration of aconite, veratrum, digitalis, or colchicum, without the risk of seriously, and often irreparably, lowering the vital powers and disturbing the digestive functions." How was this information acquired? Would this wonderful

change, this revolution, have been effected had it not been for Hahnemann and his mild and efficacious treatment of the sick? Niemeyer acknowledges that "we are indebted to the homeopaths for the evidence that croup can be cured without the aid of emetics—that urethritis can be cured without resorting to injections." This change has all been effected since the introduction of homeopathy, and I will venture to say that, had our law of cure not been discovered,—had Hahnemann and his followers not been so impressed with its truthfulness, instead of the lancet having been almost entirely discarded by our intelligent allopathic practitioners, and instead of mercury, which was formerly so terribly abused, having been laid upon the shelf, instead of emetics and violent cathartics having been thrown to the dogs, the same state of affairs would have existed at the present time as fifty, forty, thirty years ago.

The lancet and severe counter-irritants have now been discarded, and the few attempts within the last decade of some of the disciples of the now ancient system of medicine have met with failure in their efforts to resuscitate it from the grave in which it was buried but a few years ago. Cathartic measures, except to remove obstructions and to drain distended abdominal vessels, have been done away with. Emetics have found their proper sphere, and are used no longer but to remove offending masses from irritable and distended stomachs—save in the rare cases where, by their mechanical effect, it is hoped they will relieve overloaded or occluded bronchial tubes, or detach an adherent catarrhal or croupous exudation from the larynx or trachea. But is the so-called "regular" treatment of the present, aside from its comparative mildness, far in advance of that of the first half of the present century? Can it justly claim to be of a "scientific" nature? We will inquire of some of their prominent authorities. Professor H. C. Wood, M. D., in the preface to his "Treatise on Therapeutics, Materia Medica, and Toxicology," says:

"The old and tried method in therapeutics is that of empiricism, or, if the term sound harshly, of clinical experience. As stated by one of its most ardent supporters, the best possible development of this plan of investigation is to be found in a close and accurate analysis of cases before and after the administration of a remedy, and, if the results be favorable, the continued use of the drug in similar cases. It is evident that this is not a new path, but a highway already worn with the eager but weary feet of the profession for two thousand years. That very much has been thus accomplished it

were folly to deny. Leaving out of sight the growth of the last two decades, almost all of the current therapeutic knowledge has been gained in this way.

"Therapeutics developed in this manner cannot, however, rest upon a secure foundation. What to-day is to be believed is to-morrow to be cast aside certainly has been the law of advancement, and seemingly must continue to be so. What has clinical therapeutics established permanently and indisputably? Scarcely anything beyond the primary facts that quinia will arrest an intermittent, that salts will purge, and that opium will quiet pain and lull to sleep. To established therapeutic facts the profession clings as with the heart and hand of one man — clings with a desperation and unanimity whose intensity is the measure of the unsatisfied desire for something fixed. Yet with what a babel of discordant voices does it celebrate its two thousand years of experience!"

He goes on to say:

"This is so well known that it seems superfluous to cite examples of the therapeutic discord; and one only shall be mentioned, namely, rheumatism. In this disease, bleeding, nitrate of potash, quinine, mercurials, flying blisters, purgation, opium, the bromides, veratria, and a host of other remedies, have their advocates clamorous for a hearing; and above all the tumult are to be heard the trumpet-tones of a Chambers: 'Wrap your patients in blankets, and let them alone.'

"Experience is said to be the mother of wisdom. Verily, she has been in medicine rather a blind leader of the blind; and the history of medical progress is a history of men groping in the darkness, finding seeming germs of truth, one after another, only in a few minutes to cast each back to the vast heap of forgotten baubles that in their day had also been mistaken for verities. In the past, there is scarcely a conceivable absurdity that men have not tested by experience, and for a time found to be the thing desired; in the present, homeopathy and other similar delusions are eagerly embraced and honestly believed in by men who rest their faith upon experience.

"Narrowing our gaze to the regular profession, and to a few decades, what do we see? Experience teaching that not to bleed a man suffering from pneumonia is to consign him to an unopened grave, and experience teaching that to bleed a man suffering from pneumonia is to consign him to a grave never opened by nature. Looking at the revolutions and contradictions of the past, listening to the therapeutic babel of the present, is it a wonder that men should take refuge in nihilism, and, like the lotus-eaters, dream that all alike is folly; that rest, and quiet, and calm are the only human fruition?

"Since the profession has toiled so long and found so little, if further progress is to be made, we must question the old methods and search out new ones, which haply may lead to more fruitful fields. In the ordinary affairs and business of life, when anything is to be accomplished, the effort always is to discover what is to be done, and then what are the means at command. A primary knowledge of the end to be accomplished and a secondary acquaintance with the instruments are a necessity for successful human effort; and until the sway of this law is acknowledged by physicians, medicine can never rise from the position of an empirical art to the dignity of applied science."

All this from the pen of one of the most prominent professors and medical authors of the present time. Further, Doctor Stokes, of England, said:

"There can be no doubt that medicine requires to be placed on a much more scientific basis than it at present possesses. It is now simply empiricism, and that empiricism is only tolerable and useful because it is wielded by thoughtful men."

And the "Weekly Medical Gazette" of Vienna says:

"Building goes on briskly at the therapeutic Tower of Babel. What one recommends, another condemns; what one gives in large doses, another scarce dares to prescribe in small doses; and what one vaunts as a novelty, another thinks not worth rescuing from merited oblivion. All is confusion, contradiction, inconceivable chaos. Every country, every place, almost every doctor, has his own pet remedies, without which he imagines his patients cannot be cured; and all this changes every year, aye, every month!"

And A. T. Speer, M. D., president of one of the medical societies of Ohio, said, January 3, 1882, in a paper read before that society: "To-day we are almost as ignorant of the action of medicine upon disease as we were one hundred years ago."

Enough has been culled from the authorities of the old school to satisfy the readers of the REVIEW that the term "scientific methods" will not apply to the methods resorted to in the past or to the applied knowledge of the present, so far as the so-called "regular" system of medicine is concerned. Indeed, it would seem to have been reserved to Professor Palmer alone to discover "scientific methods" where his brethren find only "inconceivable chaos." Viewing that "chaos," we are not surprised that the New York State Medical Society struck out of their code the clause prohibiting recognition of homeopathic practitioners. Yet, while we are pleased with this evidence of a desire on the part of the old school to investigate the truths of homeopathy, we are unable to see how we are to be benefited by admission to that fortress against disease which is described to us by the most recent old-school authorities as a "therapeutic Tower of Babel."

It is contended, and with perfect truth, that in many instances the treatment adopted by our old-school brethren is beneficial—that, in many instances, it is certainly curative; but we do most positively assert that, carried to the extreme to which it is, the palliative treatment of to-day, although it may relieve pain, suppress

paroxysms in those diseases so characterized, and give temporary comfort to the patient, is not *curative* treatment; and that in many instances the physiological developments of the drugs resorted to are more alarming, more to be dreaded, than the diseased conditions they, by their palliative action, obscure. I have particular reference to the enormous doses and long-continued use of quinine in malarial cachexia,—malarial illness,—whether characterized or not by distinct paroxysms; to bromide of potash in the enormous quantities in which it is administered for epilepsy and other purely nervous diseases; to the different preparations of iron in the treatment of chlorosis and other forms of anæmia—"which," Trousseau (see "Treatise on Therapeutics," pages 6 and 7, vol. i.) says, "is frequently the cause of phthisis in chlorotic patients, who would perhaps have never developed it had it not been for the unwise administration of this drug"; and particularly to the careless, the reckless, use of morphia, administered both by the mouth and by the aid of the hypodermic syringe. I specify these drugs because the quantities administered are enormous, and without any show of reason. The medicines are first administered by the doctors, and finally resorted to by patients themselves, in many instances to their permanent, even fatal, injury. That this is so is declared by their own old-school authorities. Space does not permit quotation, but, for those who may like to consult these authorities, reference is made to "Wood's Therapeutics," article Quinine; to a statement of Professor E. H. Clarke (*ibid.*, page 282) regarding bromide of potash; to Professor Brown-Sequard's articles on the use of this drug in epilepsy, and to an article on the same drug by Doctor McGregor, in the Edinburgh "Medical Review," October, 1869; to Trousseau, "Treatise on Therapeutics," vol. i., page 7, article Iron; to the same authority, vol. ii., article Opium; and to Gscheidlen, referred to in "Wood's Therapeutics," page 188, upon the action of morphia. These authorities of the old school in these articles demonstrate the danger attending the continued use of quinine, bromide of potash, iron, opium—four of their most popular remedies. In the light of these facts I ask, Is this a "scientific method" of treating disease? Have the great results claimed by the author of the article in the March number of the REVIEW been accomplished? Would it not even be wise for these men, having exhausted "Eclecticism," "Thompsonianism" and "dentistry," and their own "scientific methods," to turn their attention to homeop-

athy, and see if, within the pages of its literature, some remedies might not be found which could be substituted for these drugs, so poisonous in the quantities administered? Aye, would it not be well to return to the barbarous treatment of the past, for certainly a speedy death is to be preferred to life embittered by the conditions above enumerated by the most prominent members of the so-called "regular" school of medicine.

But we do not, as does Doctor Palmer of homeopathy, denounce and ridicule everything pertaining to the treatment of disease by the old-school methods—if methods they may be called. We agree that, for the mechanical effects of certain incurable diseases, and also for certain that are finally curable, the proper use of palliatives is sometimes desirable. We allow that the remedies used by old-school physicians are frequently positively curative; but can they—or, if they can, will they—honestly acknowledge how this curative effect is brought about—by what law? Will they say, with the honest president of the old-school medical society before referred to: "Have we an author who will point it out to us? If we have, I have failed to find him. On the contrary, the more I studied the matter the greater was my confusion, until I sought in homeopathic works for a solution, and there I found it clear and simple." Yes, there they will find it clear and simple. The remedies that in their hands have proved positively curative in diseases not arising from chemical or mechanical causes, have proved curative just because they were capable of producing in healthy individuals conditions similar to those for which they were prescribed, or symptoms similar to those they would produce in the healthy individual; for similar conditions produce similar symptoms—similar symptoms arise from similar conditions. By the selection of a few examples, quoted from established old-school authorities, we will prove this.

Ringer, in his "Therapeutics," says:

"The power of aconite to control inflammation and subdue the accompanying fever is remarkable. It will sometimes cut short an inflammation. . . . In these comparatively mild diseases, especially if the aconite is given at the earliest stage, when the chill is still on the patient, the dry, hot, and burning skin becomes in a few hours comfortably moist, and then in a little while is bathed in profuse perspiration. With the sweating comes speedy relief from many of the distressing sensations, and in a period varying from twenty-four to forty-eight hours both pulse and temperature reach their natural state."

Aconite was first proved by Hahnemann, and by him the proving was verified, for it cured these very conditions, which it was found to produce. Ringer advises it in half-drop doses—small for a "regular." Many homeopaths use doses of this size, but a much smaller quantity will accomplish the desired result. Professor Bartholow also uses aconite for the same conditions, and in equally small doses.

BELLADONNA.—A. T. Speer, M. D., president of one of the Ohio medical societies, advises belladonna for sore throat when the throat is much swollen, of a very dusky red color, and the pulse is very frequent and very weak. (*Vide* "Medical Record," February 25, 1882.) Professor Piffard says of belladonna (page 32, "Materia Medica and Therapeutics of the Skin"): "We feel bound to confess the conviction that the virtues of belladonna as protection against scarlatina are so far proven that it becomes the duty of practitioners to invoke their aid whenever the disease breaks out in a locality where there are persons liable to the contagion." Belladonna was first proved by Hahnemann, and found to produce just this throat condition, and has been in constant, never-varying, use by his followers to the present time for this very condition, with astonishingly satisfactory results, and as a prophylactic against scarlet fever.

ARSENIC.—Arsenic, according to Wood, Ringer, and others, is curative in malignant sore mouth and throat, with ulceration; in vomiting, in dyspepsia, diarrhea, dysentery, eczema, conjunctivitis, chorea, albuminurea, and fevers characterized by paroxysms recurring at regular intervals. Professor Fordyce Barker, M. D., LL. D., at a recent meeting of the New York Academy of Medicine (see "Medical Record," March 11th), said: "With reference to arsenic, there is no remedy more efficient in cases in which a nerve tonic is needed, and in which the sense of depression and exhaustion are prominent symptoms."

Hahnemann first proved arsenic on himself and many of his friends, and found it producing these very conditions. From the date of that proving to the present time, it has been in constant use by homeopaths for similar states of the system.

MERCURY.—Professor Bartholow says: "The acute glandular affections of the throat and neck—tonsillitis, parotitis, inflammation of the submaxillary and sublingual glands—are often speedily removed by mercurial preparations." Ringer says: "Small doses of mercury yield excellent results in a form of diarrhea

common in children"; a single grain of bichloride of mercury dissolved in half a pint of water, and a teaspoonful of this solution given each hour, will, he says, in a day or two restore the patient to health. Mark the dose—1-64 of a grain—homeopathic both as regards dose and application. Ringer also advises mercury in small doses in dysentery of children and adults, in derangements of the stomach, accompanied by vomiting. Prof. H. G. Piffard advises mercury in the homeopathic preparations for certain conditions of the skin known to be produced by mercury.

This drug was first proved by Hahnemann and found to produce the above-named conditions, and has been since constantly successfully used by homeopaths for these very difficulties. Professor Piffard, in his "Materia Medica and Therapeutics of the Skin," says on page 4: "We know, for instance, that arsenic, which, during the past fifty years, has been more extensively used in the treatment of skin diseases than almost any other drug, is credited by many competent observers with the power of also *causing* cutaneous eruptions"; and, page 27: "Finally it may be asked, can we really *cure* chronic disease with arsenic? and the answer must be in the affirmative"; and he adds: "My own experience harmonizes with that of Dr. Barstow. I usually employ the arsenious acid in trituration, either second or third decimal trituration of the homeopathic pharmacopœia." On page 28 he alludes to a case where he prescribed one grain to the ounce, directing two drops to be taken each night and morning, the medicine in a few weeks accomplishing all that could be desired. Is this homeopathy—1-240 of a grain each night and morning curing a condition known to be produced by arsenic? On page 30 he advises 1-65 of a grain of muriate of gold, for conditions for which it was first introduced and has been used by homeopaths for three-quarters of a century. On page 35 he advises hepar sulphur as a remedy for furuncles, abscesses, and excessive suppuration, and remarks: "These applications of the drug were confined, I believe, almost exclusively to homeopaths until a few years ago, when Ringer brought it forward as a remedy for the same condition; since then, pills of calcium sulphide can be found in every pharmacy." On page 99 he relates a case of cure by *Rhus toxicodendron* of a chronic eczema of six years' standing. This and all the remedies named were first proved by Hahnemann and found to produce these very conditions for which, according to this great old-school authority on skin diseases, they are known to be curative.

Professor Palmer, after giving his version of the life of Hahnemann, and emphasizing the fact that he was assistant teacher in a grammar school, speaks of him as restless, ambitious, vain, perambulating, visionary, embittered by his want of success, who gave vent to his bitterness against a profession in which he had failed to obtain distinction or a competency, and says this brief sketch of the founder of homeopathy will tend to explain the possibility of the existence of a system so marvelous as we shall find it.

The doctor's article contains misstatements tending to detract from the merit of and to reflect discredit upon this great man.

We shall simply, in refutation, refer to "Appletons' Encyclopedia," article "Hahnemann," and to "Chambers' Encyclopedia," under the same heading. The latter, in closing, says:

"Hahnemann is acknowledged to have displayed great genius, industry, and erudition. Jean Paul Richter calls him 'a prodigy of philosophy and learning.'"

The late Professor Carroll Dunham, in speaking of Hahnemann's persecutions, says:

"All his sufferings might have been avoided; he might have lived in peace and affluence, enjoying consideration among his colleagues and making plenty of money, had he been willing to 'yield a little'—to waive the right of dispensing his own medicines, to accommodate his system in various points to suit the notions of his time. The temptation to do this might by some be supposed to have been great, for Hahnemann's family was large, he suffered during his wanderings from the pinchings of cruel poverty, and this took from him the leisure so necessary for his studies. But Hahnemann was not made of the stuff that could compromise, for personal ease and prosperity, the charter that God had given him for the benefit of the race. He refused to give up one particle of anything which he deemed essential to the purity and perfections of his system, and so he has left it to us pure and perfect."

We quote the following from the pen of P. Compton Burnett, M. D., of London, England:

"When I go over his wondrous life, I am profoundly impressed with his greatness as a mere man: he taught Hebrew at the age of thirteen; he knew eight languages when he went to the university at twenty; he became a doctor of medicine at twenty-four; he lived to be nearly ninety, and labored all the time—certainly he was a hard worker for eighty years; throughout the course of this long life I do not find one single shameful act recorded against him by real history. He was indeed a great and almost a perfect man."

Hahnemann believed, his followers believe, that the Almighty having given us medicinal substances which, when taken into the system, produce in every instance each a distinct and separate action, He at the same time gave us a law for the application of these substances in the cure of disease. From first ascertaining the action of these so-called drugs on healthy human beings, and then using them in the treatment of disease, the evidence became conclusive to the mind of Hahnemann that that law was the one quoted. He does not claim that he was the first to treat any disease in accordance with the theory of similars. For he was familiar with the writings of Hippocrates and of every medical theorist of his own time, and cures had frequently been recorded made with remedies given for conditions similar to those which they were known to produce.

Eighty years have passed since this law was first promulgated by Hahnemann. Now thousands of educated, thinking, and conscientious physicians in all parts of the world successfully practice in accordance with that law, believing firmly that, for conditions and symptoms not arising from mechanical, traumatic, or chemical causes, the law is universal. The physician's object is to cure the sick, to relieve suffering, and to accomplish this in the simplest, most speedy, and effectual manner. All of the arguments intending to prove that our remedies cannot cure go for naught in view of the fact, as proved by quotations from old-school authorities, that they do.

What is meant by the "proving" of drugs? Simply the testing of drugs on the human body, their action being recorded and compared with that obtained from a number of provings. Does this positive method, whatever may be the law of cure, seem irrational, visionary, to the average mind? Is it not the only method of acquiring a knowledge of the medicinal action of drugs?

If it is objected to because it is the course adopted by homeopathists, I will quote from an old-school authority, Sir Thomas Watson, who says, in the "British Medical Journal," January, 1868: "Authentic reports of trials with medicinal substances upon the healthy human body must lead at length, tardily perhaps, but surely, to a better ascertainment of the rules, peradventure to the discovery even of the laws, by which our practice should be guided."

Again, Doctor King Chambers says: "And as to the uses of medicines, with which it is a student's duty to be acquainted, do you not see that the safest guide to a knowledge of their effects upon a disordered body is the knowledge of their effects upon a healthy body?"

A large portion of the doctor's article is made up of ridicule of homeopathy, because of the infinitesimal quantity of medicine which he leads one to infer is the dose from which all the wonderful cures recorded by homeopathic writers have resulted. As a matter of fact, it happens that, prescribed because of their homeopathicity, drugs varying from crude tinctures to very high dilutions are used by homeopaths, and effect cures. But even were it a fact that only dilutions were used, this would not reflect one particle of discredit upon Hahnemann or his followers. The rule with all homeopaths—the invariable rule—is: the smallest possible quantity of medicine to accomplish the desired result. If an established cure result from the prescribed agent, no matter how small the dose, or how difficult for us to account for its action, that agent deserves and should receive credit for the result; and cures—authentic cures—without number have been made with these small doses.

In the preparation for the REVIEW of the fraction with the alarming denominator, the doctor has shown great aptness in mathematics, and should that chair in the university honored by his teachings become vacant, we would recommend him for the position—for, so far as multiplication and fractions are concerned, he is ably qualified. But the size of the dose, whether it be tincture or the doctor's fractional preparation, so long as it is sufficiently small not to produce the physiological effect of the drug, has nothing whatever to do with its homeopathicity. So it be administered because it produces in the healthy similar symptoms to those evidenced in the patient, it matters not whether it be tincture or high dilution, it is homeopathy. Its size will depend on individual experience and preference.

Rational aids to therapeutic measures are not discarded by the homeopath. He does, indeed, exclusively follow the homeopathic law within the field to which it is applicable, but mechanical and chemical conditions arise requiring mechanical and chemical remedies as well as palliatives. For,

as the late Professor Carroll Dunham, one of the best beloved, most conscientious, and scientific of Hahnemann's followers, has said truthfully: "Very many cases of severe suffering, and even of what threatens to become fatal disease, occur in general practice which call for and are successfully met by the application of scientific knowledge apart from therapeutics." Again he says: "Many serious cases may be successfully treated without recourse to medicine, without the aid of therapeutics—rectified, perhaps, by the application of a knowledge of physiology, pathology, and hygiene."

The doctor says: "The system has urged its claims for the past eighty years. Not one educated physician out of a hundred the world over has expressed views favorable to homeopathy." Again: "Homeopathy has no position in the world of science." These assertions have been pretty thoroughly answered by quotations from the leading authorities of the old school; but we will ask the question, and in a few words attempt to answer it.

What is the standing of homeopathy to-day? Doctor Speer, president of the medical society ("regular") before referred to, says ("Medical Record," *loc. cit.)*: "Although it has been received with derision by a vast majority of the medical world, it has steadily progressed in favor, overcoming obstacle after obstacle, until to-day the system of medicine founded upon it numbers among its patrons and steadfast friends a large proportion of the more intelligent and cultured people of each community." This statement, coming from old-school authority and appearing in the most prominent of the old-school journals, is true. Scarcely a town of any size in the civilized world but has its fair proportion of homeopathic physicians and patrons. And at home here, in the United States,—although it is but sixty years since Doctor Gram, the first American homeopathic physician, first settled in New York,—we have our National Medical Association, the annual meetings of which are as largely attended as are those of the national old-school society. This society, the American Institute of Homeopathy, was organized nearly forty years ago, and has been actively at work ever since. In addition to this, we have the Western Academy of Medicine, the American Ophthalmological and Otological Society, and the American Pædological Society; 26 State medical societies; 99 county medical

societies; 42 homeopathic hospitals; 34 free dispensaries; 17 homeopathic medical journals; 11 homeopathic medical colleges, one ophthalmic and otological college, and over 6,000 homeopathic physicians in the United States alone, and the printed literature of our school can be numbered by the hundred thousand pages. In our colleges every branch of medical science is thoroughly taught—the clinical instruction is fully equal to that of the old-school colleges. And to prove that homeopathy is advancing, I will state that, during the college session of 1880 and '81, twelve hundred and fifty medical students were in attendance in the various colleges, and the combined graduating classes of the spring of 1881 numbered four hundred and thirty-eight.

With Professor Palmer we agree that it will not be possible within the limits of a magazine article to give a full view of homeopathy in contrast with "regular" medicine. Our literature covers thousands of pages, and the half has not been told. The contrast between the systems of the two schools is indeed striking, but in view of the object of the physician's calling—the relief of suffering, the prolongation and the saving of life—it is undoubtedly favorable to homeopathy. The doctor complains bitterly—we think unjustly, considering the character of his article—of the criticisms by Hahnemann and his followers of the "regular" system of medicine. We have, therefore, purposely avoided unkind criticism, and have been at considerable pains to confine ourselves to the authorities of the old school to prove the points stated. We believe enough has been quoted from these authorities to satisfy the intelligent reader that Professor Palmer is either dishonest or totally ignorant of the literature of his own school in its relation to therapeutics, and that he, above all others claiming prominence in the profession, should have refrained from writing upon the subject of homeopathy till he had at least informed himself sufficiently to give a decently fair statement of the subject. While writing this article, I have received a letter from a prominent physician of the West, which reads in part as follows: "I was a student in the Michigan University twenty-seven years ago, and heard Professor Palmer's version of homeopathy, which he has given to every medical class till four years ago, when the regents requested him to discontinue the subject before the class. Then he issued a pamphlet containing the same statements and argu-

ments, and now again he gives the very same in THE NORTH AMERICAN REVIEW." Twenty-seven years ago! and even then a professor. If it were not for this evidence, which is positive, that he is a man of ripe years, I should, upon reading his article, think him so young, so inexperienced, that it would be well for him, before writing upon medical therapeutics, and studying in the meantime, "to tarry at Jericho till his beard grew."

J. W. DOWLING.

SWEDENBORG.

THE disciples of Emanuel Swedenborg make great efforts to spread the doctrines of their teacher. Naturally they lay chief stress on his religious opinions: partly because they interest a larger circle of people, partly because they are regarded as more important, and partly, we surmise, because they are more manageable, on the score of bulk and expense. But for the limitation of interest which attends all technical work, it would, on many accounts, seem wiser to approach Swedenborg from the scientific side. For here his base is secure, and his spiritual conclusions are distinctly foreshadowed, if not openly suggested. In fact, to us, the mystery of Swedenborg is as deep on the material as on the spiritual side, if not deeper. It is claimed, and apparently on solid grounds, by men who ought to know, that he was a scientific prodigy, a combination of Euclid, Copernicus, Laplace, Vesalius, Galen, Boerhaave, Harvey, Oken, Goethe, and whomsoever else may have been distinguished among explorers, discoverers, inventors; that he anticipated the nebular hypothesis, the circulation of the blood, the translatory motion of the stellar universe, the identity of lightning and electricity, the modern science of crystallography; that he was the first to introduce into Sweden the differential and integral calculus; that he invented the principle of the air-tight stove; that he was familiar with astronomy, cosmogony, geology, mineralogy, metallurgy, anatomy, physiology, chemistry, mathematics, mechanics; that he was a master of many languages, ancient and modern; a poet, a metaphysician, a financier, a man of letters. And, with all this, his eminence in the scientific world is but dimly and grudgingly recognized. How shall this be explained? The honors that were tendered to him, the admission of his vast services by contemporaries, only make the riddle more perplexing. He is in any event a marvel and a prodigy. His scientific works number

more than sixty, yet his "Animal Kingdom," one of the most remarkable of them, excited surprise in England, apparently for the first time, in 1844, seventy-two years after his death; and the "Principia Rerum Naturalium" waited for recognition longer than that; and even yet, more than a century after his decease, his title to rank among the great names of science is put forward cautiously as a novelty, and usually by men who regard him as otherwise a harmless lunatic. That, after this, his spiritual pretensions should be challenged is not surprising.

The truth appears to be that Swedenborg was mystical even in his chief scientific writings. He adopted an "identity-theory," an hypothesis of one all-pervading principle, which imparted an air of assumption to his speculations. He spoke with authority, less as an investigator than as a seer. And this made easy the passage from scientific to religious thought. The gulf between the two spheres was narrower than is commonly supposed. In fact, there was no gulf; no break even. The mystic simply proceeded from one form of communication to another—from the world of matter to the world of spirit, always holding the same clue to knowledge, namely: the doctrine of the divine immanence. This, perhaps, made scientific men more indifferent to his claims than they otherwise would have been; and this gave the expression of vacancy to his countenance which it wears in the portraits that we see, and which must date from the scientific period.

Somewhat more than a year ago, a "memorial," signed by ninety-four persons, mostly belonging to societies of good standing, and representing a much larger number (possibly more than two thousand), "receivers of the heavenly doctrines in this country," was presented to the General Convention, asking in courteous language, strengthened by citations from the writings of Swedenborg himself, that "the attitude of the organized new church may no longer continue to be one of seeming antagonism or conscious superiority to other religious bodies, but rather one of modest self-appreciation, and kindly, fraternal recognition of other Christians." The memorial was published in the Convention's "Journal of Proceedings for 1880," was noticed by the "New Jerusalem Magazine" (not favorably), and was quietly dismissed. The inference is, that the controlling powers in the New Church cling to the exclusive system, perhaps fearing lest a removal of barriers might cause their alleged peculiarity to disappear. In this apprehension

they may be wise, for a suspicion is abroad that, whatever our views respecting Swedenborg, Swedenborgianism, as a form of religious institution, has outlived its excuse for being.

And this, for the very reason that it was originally so noble. It is closely associated with some things which have passed away, because their work was done. Mr. John Humphrey Noyes, author of the "History of American Socialisms," not too ingeniously, yet with evident design, associates Swedenborgianism with Fourierism, Brook Farm, Transcendentalism, the type of Individualism represented by Emerson, Margaret Fuller, F. H. Channing, whose thoughts stirred expectant souls forty years ago. The suggestion is tempting, and might be made to yield food for reflection. Suppose the association to be valid. What follows? Fourierism has disappeared; Brook Farm is gone; Transcendentalism, as a system of philosophy, has had its day; Individualism, as then expounded, is on the wane; why should Swedenborgianism, the other branch of the same vine, survive?

That the writings of the Swedish seer abound in great thoughts, deep, inspiring, generous, penetrating, regenerating, quite worthy to be celebrated, or even to be ascribed to angelic origin, is gratefully on every side admitted, though the appeal to celestial communications, as clinching the statements of truth, adds nothing either in the way of evidence or conclusiveness, but rather weakens the force of the idea. The power of the thought lies in its accord with the natural instinct of the heart. The angelic narratives serve at best only to illustrate it, and they do that feebly. The seraphic quality of the revelation turns the so-called "proof" into an impertinence. The claim to "angelic" authentication is really a drag on the doctrine. Explain the alleged communications with another world as we will, on the physiological theory of a disturbed brain, or on the psychological theory of an opened vision, it still must be asserted that they add little or nothing to the truths announced.

The doctrine was little short of a new gospel when it was delivered. None but a true prophet could have announced such truths in that generation. I name only the most searching: That there is but one life, and that life from the Lord; that Satan has no substantial being or existence; that there is no principle of evil; that heaven and hell are both from the same source; that no man is born predestinated to hell; that heaven

removes hell in man; that true religion consists in love to God and love to man; that the sacraments are signs; that the church is representative. Such are a few of the divine commonplaces which are scattered up and down the pages of Swedenborg's writings, recurring again and again with a colorless monotony that soon becomes tiresome, and with a sober-sidedness of statement which deprives them of effect. It was probably the simple, undemonstrative, prosaic, child-like mode in which they were set forth that prevented their recognition.

For, at the time they were uttered, more than a hundred years ago, they were nothing less than revolutionary, portending the overthrow of the reigning systems of theology and ecclesiasticism. The clergy protested. By Swedenborg's own calm confessions, unimpassioned and impersonal, the state of religion in the community about him must have been deplorable. In such formalism and literalism it is hard to believe. For example, he says: "The man of the church at this day knows scarcely anything about heaven or hell, nor yet about his own life after death." "No one has known what was meant by 'the clouds of heaven.' Men have believed that he (the Lord) would come in them in person." "Then the bishop, looking at me, said: 'My conception of the matter was, and still is, that God the Father, God the Son, and God the Holy Ghost sit in the center of heaven upon magnificent and lofty seats or thrones,—God the Father on a throne of pure gold, with a scepter in his hand; God the Son at his right hand on a throne of purest silver, with a crown on his head; and God the Holy Ghost near them on a throne of dazzling crystal, with a dove in his hand; and that round about them, in triple order, gleam hanging lamps made of precious stones; while at a distance from this circle stand innumerable angels, all worshiping and glorifying. And, moreover, that God the Father continually talks with his Son about those who are to be justified, and between themselves they judge and determine who on earth are worthy to be received by them among the angels, and crowned with eternal life; while God the Holy Spirit, at the hearing of their names, immediately traverses the whole earth to find them, bearing with him gifts of righteousness, as so many proofs of salvation for the justified; and the instant he approaches and breathes upon them he disperses their sins, as a ventilator drives the smoke from a furnace and cleanses it. He also removes the stony hardness of their hearts,

and gives them the tenderness of flesh, and, at the same time, renovates their spirits or minds, and regenerates them, giving them infantile faces. Finally, he seals them in the forehead with the sign of the cross, and calls them the elect, and sons of God.'" "With some there is a fear and consequent anxiety about hell-fire, while scarcely any one is troubled about his sins and the consequent just anger of God. But we confessors have cured those by teaching that Christ took away damnation by the passion of the cross, and so extinguished hell-fire and opened heaven to those who are blessed with the faith on which is inscribed the imputation of the merit of the Son of God." "At length they went so far as to attest that they might be saved by faith alone,—whereby they meant their doctrinals, if they only believed them,—without any respect to their lives." Of the Romish church and its rulers Swedenborg says terrible things, which we will not quote, for few of this generation will believe they could be warranted.

In an atmosphere like this, wherein all the religious organizations in Christendom looked utterly corrupt, entirely destitute of the Master's spirit, and quite wanting in the rational apprehension of truth, the doctrines of Swedenborg must have shown with light as from another sun. But in our age they have become religious truisms. We hear them enunciated from all more or less liberal pulpits. They form the burden of popular preaching. Mr. B. F. Barrett, one of the most enlightened and zealous Swedenborgians of our day, takes pains to record his opinion on this point in the following emphatic language, which is copied with his own italics: "It is a great mistake to imagine that the pulpit of to-day dwells often, or lays the chief emphasis, on doctrines which are directly contrary to the principles of the New Church. *Far oftener, and with much stronger emphasis,* does it dwell on the *fundamentals* of the New Church—love to the Lord and charity toward the neighbor. The burden of its teaching is *not* what it was in the middle of the last century—the tripersonality of God, a vicarious atonement, the resurrection of the material body, and salvation by faith alone—however these may occasionally crop out." The theologians of our time are exerting themselves to abolish the devil, to damp down the fires of hell, to interpret the scriptures rationally, to show harmony in all the works of creation, to exhibit the blending of humanity and divinity in Christ, to establish a rationale of sin and redemption, to

spiritualize prayer, to maintain the essential accord of philosophy and faith. The attractive preachers of every denomination declare that religion is not a creed, but a life. Controversy avoids the old fields. Apologists have abandoned the defense of ancient dogmas, and fallen back on new lines of exposition. The writer of these pages was called a Swedenborgian thirty years ago, before he had read a line of Swedenborg's writings, simply on account of his sympathy with certain ideas, then new, since the common property even of evangelical preachers. They who insist on the importance of keeping up a distinct organization on the basis of Swedenborg's views are obliged, it seems to us, to exaggerate peculiarities which had better be allowed to disappear.

The chief theological tenet of Swedenborg is his theory of scripture—the doctrine of hidden senses in the Word. But the substance of this theory is very old, and was devised originally as a means of escape from what were regarded as stumbling-blocks in the literal sense. Swedenborg did much to reduce the doctrine to systematic form, and his disciples have done more to reduce his reduction to a senseless formality by stopping where he stopped, and accepting his suggestions as dogmatic rules. Some have thought that, had he lived to see the results of scientific criticism of the biblical literature, he might never have laid the emphasis on his doctrine that he did—perhaps might never have tried to formulate it. But it is doubtful whether he would have kept himself informed of the results of biblical criticism. Swedenborg was, in most respects, outwardly, an old-fashioned man, simple, child-like, unsophisticated, uncritical, ingenuous, believing; an impersonal, unambitious, devout man; a seer rather than a thinker; not a reader of many religious books, or deferential to the writers of books; an interior, brooding man, unconscious of much that went on in the intellectual world about him, and, so far as is known, independent of contemporary assistance. "Piety," to use his own language, "consists in thinking and speaking piously, spending much time in prayer, behaving humbly at that time, frequenting temples, and attending devoutly to the preaching there, often receiving the sacrament of the Supper every year, and in performing the other parts of worship according to the ordinances of the church." "Prayer, considered in itself," he says elsewhere, "is discourse with God; and there is then a certain internal intuition of those

things which are the objects of prayer, corresponding to which there is something like influx into the mind's perception or thought of him who prays; so that there is a kind of opening of the man's interior toward God. . . . Hence it is that to pray, in the internal sense, signifies to be created." These last passages are from the "Arcana Celestia," a work devoted to the exposition of the interior sense of the Word. The writer of them would not be likely to care much for the methods of biblical criticism. The inspiration of scripture is simply assumed by master and disciples alike—the former living when it was not seriously called in question, and making the dogma tributary to his doctrine of divine influx, the latter living when the tenet is under vehement discussion, and accepting the seer's glances as dicta of revelation. It must be owned that to the worldly sense the holy oil of the mystic has a rancid flavor when bottled up in a "Dictionary of Correspondences."

Certain it is that Swedenborg's interpretation of individual portions of scripture will not be accepted by any modern school of scholarship. We give two or three examples taken from "The Swedenborg Library," an excellent condensation, carefully prepared by Mr. B. F. Barrett, and accepted as authentic by his fellow believers. The shortest have been selected, as occupying the least space. "The Lord as to the Divine Human is called 'The Son of God,' and as to the Word 'The Son of Man.'" "That the Lord fulfilled in the world all things of the Word, even to the smallest particulars of it, is evident from these his own words: Verily, I say unto you, till heaven and earth pass, one jot or one tittle shall in no wise pass from the Law till all be fulfilled." After quoting Isaiah lxiii., 1–9, he comments thus: "These things are concerning the combats of the Lord against the hells. By the 'apparel' in which he was glorious and which was 'red' is meant the Word, to which violence was done by the Jewish people." "In general, the prophets represented the Word in the ultimate sense, which is the sense of the letter, by 'a vesture of hair'; wherefore Elijah was clothed with such a vesture, and was girded with a leathern girdle about his loins, likewise John the Baptist." "We read in Isaiah: 'In that day shall there be a highway out of Egypt to Assyria, and the Assyrian shall come into Egypt and the Egyptian into Assyria; and the Egyptians shall war with the Assyrians. In that day shall Israel be the third with Egypt and Assyria, even a blessing in the midst of the land.'

In the spiritual sense this means that, at the time of the Lord's advent, the scientific, the rational, and the spiritual shall make one, and that then the scientific shall be subservient to the rational, and both to the spiritual; for Egypt signifies what is scientific, Assyria what is rational, and Israel what is spiritual. That day, twice mentioned, means the first and second advent of the Lord." "Evidently, therefore, in the Word alone there is spirit and life, as the Lord says: 'The words that I speak unto you they are spirit and they are life.'" "That it was the Lord who was seen by Abraham, he himself teaches in John viii., 56; that it was he, also, who was seen by the rest is evident from the Lord's words in John i., 18; v., 37." He cites Ezekiel, Daniel, the author of the Apocalypse, and others equally disjoined in time and circumstance, to prove that the objects which appear to the angels in heaven are, for the most part, like the things on earth, but in form more perfect and in number more abundant. All this evinces an absolute innocence of the first principles of exegesis, a hopeless state of imbecility in regard to the primary rules of natural interpretation, an utter disregard of obvious meanings, that would drive a commentator wild. Until Swedenborg's doctrine of the Word can be reduced to a harmonious and consistent form, which shall not only be self-evidencing, but shall also detach the scriptures from all other mythical, allegorical, prophetical literature to which successive layers of meaning have been ascribed, it must remain a curious but unverified monument of spiritual ingenuity. At present, it is but one of several attempts to maintain the inspiration of the Bible on rational grounds—the best and most important of them, but still only an attempt.

It should be added that the literal sense of scripture is, according to Swedenborg, fallacious or deceptive in appearance only, not in reality. In fact, it may be all-sufficient to one who has in him the root of faith. Since the Lord is the Word, it must be perfect in holiness and power. Only, the divine truth which constitutes doctrine appears to none but those who are in a state of enlightenment from the Lord. Hence the obvious sense cannot be accepted as final without interpretation. He that has the Lord has the key, but one must go to the Lord for it. The external, literal sense is for man; the internal, spiritual sense is "for the heavens"; and as the Word stands on earth for the divine truth, which proceeds from the Lord himself, one must approach the letter from the side of the spirit.

Thus far we have failed to find any peculiarity which might justify Swedenborgians in maintaining a separate church organization. They have no peculiarity to build upon as a foundation, and they cannot convict the other churches of Christendom of such apostacy as condemns them to extinction. If, as is asserted over and over again, the cardinal doctrine of the New Jerusalem is love to the Lord and charity to the neighbor, then, as has been shown, and by many Swedenborgians confessed, the doctrine taught by the Master has become to such a degree diffused or shared by other sects, that "the largest part of the Lord's new church on earth is now outside of the organization bearing its name."

Why should any, therefore, be surprised that Swedenborgianism makes no more progress, that its churches do not multiply, that its congregations do not increase, that its efforts at extension produce no more signal results? To say that the doctrines of the New Church have leavened Christendom and raised the entire level of faith, is simply to assume what should be proved, beside being very far from modest. It is more probable that the age has overtaken Swedenborg, who anticipated its drift, interpreted its secret, and was for a few years in advance of its course. To get the start again is impossible. The New Jerusalem church ranks among so-called liberal churches, whose future is extinction. All churches are fast becoming liberal, and in proportion as they follow that tendency, as churches they pass away. Swedenborgianism went as far as it did, because it was in advance of the general movement. It went no further, because it could not maintain its lead. Mr. B. F. Barrett has done an admirable service in condensing Swedenborg's voluminous writings into a series of twelve pretty little volumes. But he will do for Swedenborg a better service who shall interpret the writings, and show to intelligent minds what contribution of permanent value to mankind, religious or philosophical, the Swedish seer has made. So far, no disciple in regular standing has done this, or has tried to do it outside of a few commonplaces which have been exhausted. Some deeper note than White or Wilkinson has touched must be struck, or the cause of Swedenborg is lost as a cause dear to mankind. The personality of Swedenborg himself, as a psychological phenomenon, will always be interesting and perplexing; his writings will be curiosities for their strange, impersonal, uncouth, naïve, unexampled combination of

dullness beyond description and wisdom beyond estimate; of incomparable childishness and transcendent insight, the most unreadable, unfathomable books in the world. But his theological assumptions—the inspiration of the Word, the divinity of Jesus, the permanency of existing ecclesiastical usages—will henceforth derive no particular sanction from his name. Nor can we think that he would claim any permanent authority for his version of them.

For ourselves, after a fresh and careful revision of the subject, we may as well honestly confess that Mr. Henry James is the only man who has sunk his shaft into the depths of Swedenborg's mind—the only man who has dug out a secret treasure of thought worthy to be kept. He is no "Swedenborgian" of the current type, no believer in separate church organization, or in any church organization whatever, no disciple of the "master," no adherent of the letter, but rather the opponent of all this, on the ground of his interpretation of Swedenborg's own writings, which, as he holds, his disciples have misconceived, and thereby innocently perverted from their original drift. He has studied those writings profoundly, acknowledging their dumb, illogical, inarticulate, in some respects futile and fatuous, character, but impressed by their "calm, translucent depths" of wisdom, and finding infinite satisfaction in the "seer's" answer to life's eternal questions. He discovered in Swedenborg an astonishing penetration of thought, suggestions which pierce to the core of truth and open worlds of speculation which he himself perhaps failed to explore, a system of philosophy outlined and sharply indicated, which may easily be got at by reading between the lines, or following hints, or seizing one or two central ideas, and bringing others into accord with them. Such ideas are the absolute oneness, sufficiency, infinitude of the divine life; the phenomenal character of creation; the illusory nature of free will; the non-existence of the devil and of hell; the essential humanity of the Christ; the identification of God with man; the final realization of the religious experience in a perfect democratic society; the supremacy of the female over the male. Starting from either of these postulates the consistent reasoner will arrive at the rest, and will, at last, come to a resting-place in spiritual monotheism, saved from pantheism by the primary doctrine that there is such a being as man and that the divine intention toward him is redemptive, not formative.

It is not claimed here that all this is formulated in Swedenborg's writings. If it were, it could not have been so completely overlooked as it has been by his studious and zealous disciples. But it is claimed that the germs are there, and must have been found but for pre-occupation with certain theological institutes which naturally engrossed attention, and will continue to absorb the popular mind to the exclusion of philosophical interests for many generations to come. Sectarians are seldom philosophical, or, from the nature of the case, can be; and Swedenborgians are vulgarly accused of cherishing in an unusual degree the sectarian spirit, the spirit of exclusiveness and formalism, with which the philosophy, to say nothing of the faith, of their teacher is wholly at war. The "memorial" to which reference has been made confesses in its motive, as well as in its phraseology, and signally avouches by the history of its reception, the presence of this malign temper; and this memorial was presented, it must be remembered, less than two years ago, and roused a discussion throughout the body. It is not, in such a state of things, surprising that the purely philosophical import of Swedenborg's writings should, even at this day, be overlooked, and especially by those who stand before the public as exponents of his teachings. For the public, being conventionally "orthodox," imposes on them a severe though invisible constraint to be "orthodox," too, holds them to the necessity of vindicating the "orthodoxy" of their master, and compels them to reject as heresy every idea that points in an opposite direction.

Now if anything is clear, it is that Swedenborg's ideas, detached from their local and temporary associations, and followed out to their results, do point in an opposite direction, are quite unorthodox, are, in fact, extremely radical, abound in suggestions from which religionists instinctively recoil, and imply nothing less than a complete revision of theological articles in the interest of anti-preternaturalism, or the utter abdication of Satan as a prince potenate, or substantial existence in the world. The Christian church, of whatever approved denomination, rests upon some theory of evil as an independent, demonic, self-subsisting dominion, governed by its appropriate authorities, and organized against Deity, who, through his ministers, keeps up an incessant warfare against it; the church being his visible representative, the ministry his ordained champions, the sacraments his appointed "channels of grace,"

the Bible his revealed communication to mankind. The sects differ in the explanation they give of these points, but under some form they are held. Not to hold them under any form is to discard the Christian peculiarity, and lapse either into "naturalism" or "idealism."

Now, whether he perceived it or not,—that point is not here prejudged,—it seems plain that some of Swedenborg's principles, if pushed to their ultimate conclusion, cast discredit not only on every attempt to organize a new church as distinct from old ones, but on all ecclesiastical organizations claiming to embody the spiritual, regenerating, creative, divine life. To say that "all hereditary evil existing at the present day was not derived from the first man, but is such that every one who commits actual sin acquires to himself a nature therefrom, whence evil is implanted in his children, becomes hereditary, and is thus augmented in each succeeding generation," is to say that the notion of a "Fall" is mistaken; that Satan does not exist; that there is no principle of evil, no "law of sin." To say, "The Lord's love is the salvation of the whole human race," is to abolish the ultimate distinction between sheep and goats. To deny that there is any absolute difference between heaven and hell, angels and devils, saints and sinners, to affirm the supreme selfish delight of hell, is to vacate the articles of current creeds, and remove the ministers and altars of every consecrated temple. To say, "It is necessary that every individual in the congregation be a church,"—unless such language be taken as containing a commonplace,—is to make religion a purely spiritual thing. To declare that "as man becomes internal, and instructed in internal things, then externals are as nothing to him, for he then *knows* what is sacred—namely: charity, and belief built upon charity"; "external worship is in itself mere idolatry"; "the spiritual church extends over the whole globe, as much among those who are without as among those who are with truths of faith,"—is to convert the church from a ritual to a representative economy, *standing for* something real, but being unreal or shadowy in its own constitution. Swedenborg teaches in many passages, and under many forms of words, that the life of man in nature is but an appearance, the Lord or divine natural man being the sole reality; that human free will is a divinely authenticated illusion; that the individual has no independent status, no selfhood unqualifiedly his own, no inalienable

property in his actions. He says: "People who are destitute of charity continually contemn and condemn others, save in so far as prudence constrains them to put on friendly manners. But they who are in charity can scarcely see another's evils; on the contrary, while they note all that is good and true in him, they interpret whatsoever is evil and false in a favorable sense. This disposition they derive from the Lord, who turns all evil into good. The Lord is as far from cursing and being angry with men as heaven is far from earth. For who can conceive that the omniscient ruler of the universe, who is infinitely above all infirmity, should be angry with such poor and wretched dust as men are, who scarcely know anything they do, and can do nothing of their own motion but what is evil? There is nothing in the Lord disposing him to anger, but only to mercy." "Neither angel nor devil," says Swedenborg, "has the least inherent power; if they had the least particle, heaven would crumble to pieces, hell become a chaos, and with these every man would cease to exist." "I once heard a celestial voice saying that if a spark of life in man were his own, and not exclusively of God in him, heaven could not exist, nor anything belonging to heaven; hence no church on earth, and consequently no eternal life." Such statements point toward very different conclusions from those contemplated by any church of which history gives account or philosophy makes report.

That Swedenborg's conception of the regenerate condition of man—in other words, of the spiritual consummation, or full completion of the divine life—is the vision of a perfect human society on earth, a reign of charity among all classes of mankind, a pure spiritual democracy, is so plainly intimated, so frequently suggested, and follows so closely on his other cardinal propositions, that to establish it by quotation would be a superfluous labor. Such a conclusion must be drawn from his primary doctrines of creation, and the divine purpose in regenerating man. The perpetual insistance on charity as the soul of faith implies it. "Faith, in the Word, means nothing but love and charity." "Love to the Lord cannot possibly exist apart from neighborly love. For the Lord's love is love to the whole human race, which he desires to save eternally, and to adjoin entirely to himself, so as for none of them to perish; wherefore, whosoever has love to the Lord has the Lord's love, and cannot help loving his neighbor." "When it is said there is no salvation

in any name but that of the Lord, it means no salvation in any other doctrine—that is, in no other thing than mutual love, which is the true doctrine of faith." Heaven, according to Swedenborg, is the "maximus homo," the supreme man. God is a man. Christ is human. Such an idea of the perfected state is certainly quite unlike anything entertained inside of the accepted Christendom. It is peculiar; in fact, so peculiar as to be unintelligible from any position but his own; to understand how much it differs from every popular idea, how secular it is, yet how noble and clear, how free from gross contaminations of animalism and communism, it is necessary to master Swedenborg's primary conceptions and reason outward from that center. Whosoever does so will see how inevitable is this result of Swedenborg's teaching, and how significant such a result is as bearing on the future of mankind. To contemplate this almost takes one's breath away, for it forces one to imagine the entire power of the so-called religious world diverted from its present employment and devoted to social ends. It implies a heavenly exaltation of "worldly" interests, and a corresponding neglect of ecclesiastical concerns. It changes the masters into servants, and commits every divine instrument to simply mundane uses. If the New Church would establish itself on this rock, there would be no complaint of its decadence.

It is not pretended, we urge once more, that Swedenborg fully entertained the views outlined above. It seems more likely that he did not. His perfect calmness in enunciating them; the absence from his books of anything like enthusiasm or afflatus; the unconsciousness of their revolutionary, or even their novel, character; the possibility of confining them within the limits of the conventional theology; their apparent inconsistency with other statements made by him, especially in regard to the Word, the Church, and the Future Life, give to them an air of simplicity incompatible with the notion of fresh discovery. Still, it is quite within the bounds of reason to suppose that the seer had visions which he did not altogether comprehend, and gave voice to ideas the significance of which he did not fathom. He may have prophesied deeper things than he was aware of, standing on some Pisgah height and, from far, descrying the promised land he was not permitted to explore. At all events, there are the declarations. They may mean much or they may mean little. If they mean little, their sense is exhausted, taken

up, and appropriated by modern "liberal" churches. If they mean much, one must go outside of Swedenborgianism for their explanation. For, in this case, they contain a system of philosophy which approaches from a new direction the profoundest problems of being—creation, consciousness, freedom.

In fact, regarded as a philosophy, the thoughts of Swedenborg penetrate to the roots of monotheism. Under one form or another the question of evil is the tormenting question, the answer whereto has hitherto been sought in some theory of dualism which set nature over against God and presumed warfare to exist between them. The Christian scheme supposes a devil. Dr. Bushnell saw a "possibility of evil" in the divine nature. The so-called "liberal" sects resort to moral or sentimental considerations, sometimes leaving the matter as a mystery of the divine economy, sometimes frankly avowing results which lead to sheer naturalism and confound evil with good. Swedenborg, while admitting that all life is from the Lord, thus maintaining that there is but a single absolute principle in the universe,—while frankly allowing that the Lord turns evil into good, thus abolishing evil as a thing,—does preserve the substantial facts of consciousness, and build upon them a structure in which the intellect can live without resentment or compromise. This is an honest, sincere, humble attempt to satisfy the demands of the rational nature, without recourse to theological subtleties. No competent writer, so far as we know, except Mr. James, has undertaken to give an exposition of this system, and he writes from such a full mind that a doubt occasionally arises in regard to his trustworthiness as a literal interpreter. But he assumes to be; he gives his authorities amply and precisely; he strikes with constant iteration the master's dominant chords. No one is justified in discussing the claims of Swedenborg who has not read his remarkable books.

Neither, we will venture to say, is any one entitled to pass judgment on this system of ideas who is not profoundly impressed with the gravity of the themes under discussion. The cool eclectic, the careless quidnunc in the world of letters, the knowing adept in the special peculiarities of the "schools," the quick-witted critic of other men's ideas, may prudently leave Swedenborg alone. Such will not understand him even if they can read him. However approached, whether as philosopher, scientist, or saint, he must be approached from the center, not

from the circumference. The deepest men we have known have been his deepest admirers. The persuasion that his noblest day is yet to dawn has taken hold of some of our best minds. The hopes of those who look for an extension of the Church of the New Jerusalem will probably be disappointed, but the anticipations of the few who look for a recognition of his merits as a philosopher of the infinite may yet be justified. That Swedenborg is a mystery, as insoluble as ever, is simply a confession that he was a seer, not a thinker the genesis of whose thought may be traced in some antecedent school. His mental roots have not thus far been found. He has been accused of echoing Jacob Boehme, but without evidence; he appeals to no parentage among men. This is certainly no proof that his thoughts came from the angels, but neither is it proof that he was a demonic man or a fool. Mr. Emerson puts him among the mystics, ranking him somewhat incongruously with Socrates, Plotinus, Porphyry, Behmen, Bunyan, Fox, Pascal, Guion; speaks of him as the most remarkable example of the introverted mind that has appeared in modern times; says: "To a right perception, at once broad and minute, of the order of nature he added the comprehension of the moral laws in their social aspects," and assigns to him a place long vacant among the law-givers of mankind. At the same time he places him below Behmen, accuses him of believing in devils, charges him with circumscribing the divine benignity, makes much of his Hebraic limitations, and declines to say wherein his peculiarity consists. With such an opinion it is not strange that Mr. Emerson sometimes doubts whether his books will be long read, whether his great name will not "turn a sentence." If Mr. Emerson's verdict is final, Swedenborg's day is done. But if there is yet another word to be said, it may be to the effect that the seer has transcended his limitations and opened an original path for thought.

Some think that the transition from the glowing, poetical, rhythmical style of the scientific works to the dull, flat, insuggestive manner of the religious, indicates a failure of mental force, and argues a kind of dotage in the amiable, indomitable man. But in view of the real intellectual vigor of the religious productions, the brilliant flashes of insight, the astonishing penetration of single utterances, the reach of ideas beyond the limitations of time and place, this theory does not commend itself. The very dreariness of style complained of may attest a complete

absorption in his subject, to the subordination of every personal trait, which is already held to be an evidence of concentration rather than of diffusion or decay. We rejoice in the existence of a Swedenborg Publication Society which so generously and laboriously toils at the translation and diffusion of his works, and is about producing the great treatise on the brain that completes the exhaustive study of the human organization; but we cannot rejoice in the existence of a "New Jerusalem Church" which confines the genius of one of the most remarkable men who have glorified the annals of mankind, and, in our judgment, arrests the thoughts it is instituted to promote.

O. B. FROTHINGHAM.

HAS LAND A VALUE?

THE meaning of the word value is of vital importance to the science of political economy, and if it be not clearly apprehended and consistently applied, all the speculations of this science will prove futile and be fraught with danger. It seems to me, moreover, that it is no longer open to serious dispute; that value consists in nothing but human labor, and that things are more or less valuable in proportion as they have a greater or smaller quantity of labor incorporated within them.* I join issue, therefore, with Mr. George, when he asserts† that there are two kinds of value, one the result of human labor, which he terms wealth, and the other the free gift of nature, which he terms land; and I claim that the gifts of nature, whether they be of substances contained in the atmosphere, in water, or in land, have no value.

Those who assert that land has a value distinct from the labor directly or indirectly applied to it, base their assertion on one or more of the following propositions:

First. That it is monopolized.

Second. That it is appropriated.

Third. Ricardo's "Theory of Rent."

Let us inquire whether these propositions are sound.

First. Has land a value because it is monopolized?

Whether or not monopoly modifies in any manner the theory that value exists only in human labor, I shall not here discuss. It is sufficient to say that the assertion that land is monopolized in a country where there are millions of land-owners, and where hundreds of millions of acres of fertile land can be had for the asking, makes an indiscriminate use of terms, and confounds the word monopoly with the word property. Indeed, the danger that

* Rodbertus, "Zur Beleuchtung der Socialen Frage"; Karl Marx, "Kapital."

† THE NORTH AMERICAN REVIEW, July, 1881.

landed property may become monopolized with us is far less great than that many other species of property will be. Why, indeed, should capitalists combine in order to enter into the hazardous speculation of monopolizing the land, when the much safer one of monopolizing the products of the land gives them all the advantages of owning land without its attending risks? The monopolies which are imminent and threatening are the grain monopolies and the cotton monopolies, and against these it may be necessary to find means of defense.

Ricardo, conscious of the error of designating landed property as a monopoly, terms this property a partial monopoly. But the phrase partial monopoly is a contradiction in terms. The word monopoly carries within itself the meaning that the entire species of property to which it is applied is controlled by a single will. The moment that one has only a partial control of a certain kind of property, there is no longer a monopoly. To say that a man who owns an acre of ground has a partial monopoly of all the soil of the country, is as barren of meaning as it is to say that a man who owns the coat he wears has a partial monopoly of all the coats.

Second. Does the simple appropriation of land give it a value?

The following illustration will answer this question: The Empire of Brazil contains hundreds and hundreds of millions of the most fertile land, which it is not only willing to give away,—it goes so far as to offer a remuneration to those who will accept of it, and cultivate it. Certainly this land has no value. Now, supposing that a party of emigrants be induced to accept of this land, and take title to it, could this simple appropriation give any value whatever to what was valueless before? It is evident that it could not. Not until they had actually begun to prepare the land for cultivation would they give a value to it, and that value, I claim, could not exceed the quantity of labor bestowed upon it.

Third. We now come to the theory principally relied on by those who consider land-values as something independent of the labor bestowed on the land—the famous speculation known as Ricardo's theory of rent.*

* "On the Principles of Political Economy and Taxation," by David Ricardo. Chapter II. I quote from the third edition. It is important to note that Mr. George's speculations are founded on this theory, and that his ideas regarding taxation stand or fall with it.

It is as follows:

"Rent* is that portion of the produce of the earth which is paid to the landlord for the use of the original and indestructible powers of the soil." Whatever is paid for improvement is not rent, properly speaking, but is "paid for the use of the capital, which has been employed in ameliorating the quality of the land," and for the use of buildings. †

On the first settling of a country in which there is an abundance of rich and fertile land, a very small proportion of which is required to be cultivated for the support of the actual population, "there will be no rent; for no one would pay for the use of land when there was an abundant quantity," "at the disposal of whoever might choose to cultivate it."

"If all land had the same properties, if it were unlimited in quantity, and uniform in quality, no charge would be made for its use, unless where it possessed peculiar advantages of situation."

"It is only, then, because land is not unlimited in quantity and uniform in quality, and because in the progress of population land of an inferior quality, or less advantageously situated, is called into cultivation, that rent is ever paid for the use of it. When, in the progress of society, land of the second degree of fertility is taken into cultivation, rent immediately commences on that of the first quality, and the amount of that rent will depend on the difference in the quality of these two portions of land. When land of the third quality is taken into cultivation, rent immediately commences on the second, and is regulated, as before, by the difference in their productive powers. At the same time, the rent of the first quality will rise, for that must always be above the rent of the second, by the difference between the produce which they yield with a given quantity of capital and labor. With every step in the progress of population which shall oblige a country to have recourse to land of a worse quality, to enable it to raise its supply of food, rent on all the more fertile land will rise. Thus, suppose land one, two, three to yield, with an equal employment of capital and labor, a net produce of one hundred, ninety, and eighty quarters of corn. In a country where there is an abundance of fertile land compared with the population, and where, therefore, it is only necessary to cultivate No. 1, the whole net produce will belong to the cultivator, and will be profits of the stock which he advances. As soon as population has so far increased as to make it necessary to cultivate No. 2, from which ninety quarters only can be obtained after supporting the laborers, rent would commence on No. 1, for there cannot be two rates of profit," and so the ten quarters, or the value of ten quarters, which is the excess of the produce of land No. 1 over land No. 2, goes to the landlord in the shape of rent. "In the same manner it might be shown that when No. 3 is brought into cultivation, the rent of No. 2 must be ten quarters or the value of ten quarters, whilst the rent of No. 1 will rise to twenty quarters."

Summing up the propositions forming Ricardo's theory of

* I must request the reader to have in mind that land-value is simply capitalized rent.

† Note that Ricardo's theory fails entirely of application to city property. To treat of this species of property apart from the "improvements," is about as practicable as to treat of a forest apart from the trees.

rent very briefly, we have: Land values consist in the original and indestructible powers of the soil, and in favorable situation. But these values do not arise until an increasing population brings about increasing difficulties of production, and then, owing to the fact that there cannot be two rates of profit on the capital required by the farmer for the raising of the periodical crop, the more fertile or more favorably situated soils will yield a rent to the landlord.

I shall now endeavor to show that the whole of this artificial theory is fallacious—contradicted, indeed, in its vital part by Ricardo himself; and that of the propositions on which the theory rests, and to which they are essential, not a single one, examined in the light of the science of to-day, will bear scrutiny. We will consider them in order.

I. The value of land consists in the original and indestructible powers of the soil.

This proposition implies that every soil has some permanent qualities which are given by nature to the cultivator, and which he can use forever. The researches in agricultural chemistry have completely invalidated this statement. It is now universally admitted that the soil is but the store-house of certain chemicals, and that some of these chemicals are removed from the field with every crop, or, as Liebig well puts it, "the field is sold with the crop." After a certain number of harvests, every field becomes exhausted and barren, unless these chemicals are replaced. Liebig estimates that ten successive harvests would make Germany a desert.

And so the owner of the soil obtains no value whatever from nature as a free gift. He is only a trustee, who has the right of applying his labor to the chemicals stored in the ground, and to reap the rewards of his labor in bringing them forth, to the extent of the value he bestows upon them in so applying his labor. The chemicals themselves he dare not appropriate. These he must restore to the ground as fast as he removes them. If he does not, he is simply a robber. But in this he differs from all other robbers, that while they have some chance of escaping punishment, the robber of the soil has none. Nature is her own detective and her own judge, and carries out her sentences unpityingly. The robber of the soil soon finds that all the fruits of his labor, which are blended with the soil, and from which he was justified in expecting a lasting benefit, vanish in proportion as he robs

the soil. All over the country agricultural reports are bitter in their complaints against those who have abused their trust, and converted the property of the soil to their own use. If I had the space to give statistics, the reader would be surprised to see how swiftly nature punishes the faithless trustee, and eventually the nation, which permits these trustees to abuse their trusts. And thus the doctrine that land-values consist in free gifts of nature is not only false, it is pernicious. We cannot sufficiently instill into the minds of our farmers that the only right the possession of the soil gives them is the right to apply their labor to it; that their only reward is the reward of their labor, and that their imperative duty, if they wish permanently to enjoy the fruits of their labor, is to restore to the earth every particle which they have taken out of it.

But Ricardo himself has a confused notion of his own fundamental proposition. After repeatedly calling attention to the fact that, when he speaks of rent, he invariably speaks of what is paid to the landlord for the use of the original and indestructible powers of the soil, and after declaring emphatically that what is paid for the use of the capital which has been employed in ameliorating the quality of the land is not rent, he flies in the face of all this by asserting, in a note to chapter eighteen of his work, that as for the capital which has been expended in the "improvement of a farm," and "is inseparably amalgamated with the land, and tends to increase its productive powers, the remuneration paid to the landlord for its use is strictly of the nature of rent, and is subject to all the laws of rent." By what magic this capital is converted into an original and indestructible power of the soil, Ricardo fails to explain. But is it not astonishing that a theory contradicted in its very foundation by its own author should have dominated political economy for so many years?

II. No one will pay for the use of land when there is an abundance of land unappropriated.

If Ricardo means that no one will pay for the use of the original (not to say indestructible) qualities of land, he is undoubtedly right. These have no value anywhere. But suppose the owner of land has improved it by his labor, and inseparably amalgamated his capital with it, will he allow the use of what his labor produced without remuneration? Is his labor valueless because land is plenty? It were absurd to say so. Yet if it is not, the remuneration he receives is strictly rent, as Ricardo him-

self confesses. But if he receives rent while abundant land is yet unappropriated, the proposition stands contradicted by its own author.

III. "Rent is paid for a favorable situation even while there is an unlimited supply of land."

But as rent is only paid for "original and indestructible powers of the soil," a favorable situation must be an original and indestructible power of the soil. That it is not becomes, I think, evident when we reflect that the favorable situations are constantly made by man, and are then the result of his labor. Even New York, with its unrivaled harbor, remained a second-rate city until its situation was made more favorable by the Erie canal. In what respect is London peculiarly favorably situated, or Paris, or Berlin, excepting it be by the improvements of man? The port of Havre, one of the most important in the world, is entirely the work of man. Railroads make and unmake favorable situations every day before our own eyes. Talk of their original and indestructible character when we reflect on Nineveh, Babylon, Persepolis; or on Rome, whose situation was made and unmade favorable at recurring intervals.

But, in reality, the question of favorable situation has nothing whatever to do with the question of land-values, for the reason that the term favorable carries within it the term unfavorable. If one situation is favorable when compared with another, that can only mean that the other is unfavorable; and whatever advantage may be conceived to exist by the idea of favorable, as predicated of one object, must of necessity be balanced by the idea of unfavorable of another; for the one is only favorable by comparison, and in proportion that it is favorable the other must be unfavorable. Now, taking the value of land of a whole country, it is evident that from the idea conveyed by this term no advantage can result to the land-owners at large. There will be an average situation, and whatever the land which is more favorably situated than the average gains, the land which is less favorably situated must lose. Ricardo, therefore, in including this as a cause of rent, commits a double error, for it is not original and indestructible; and what is more, it can in no case be an element of the land-value of a whole country, or redound to the advantage of the land-owners, considered as a class; since precisely by as much as one gains, another, perforce, must lose.

IV. The most fertile land is first cultivated, and only as population increases less fertile and less favorably situated land becomes cultivated.*

This progression would be possible if nature had put sign-posts, marked "Fertile No. 1," "Fertile No. 2," etc., on every acre of land of "a new country." As it is, it is impossible, by inspection, to know at once which is the most fertile land of the country or even of a neighborhood. In order to find out which land is the most fertile, it is necessary that all the land should be under tillage, and equal care and skill bestowed on every acre. The difficulty is further increased by reflecting that fertile is a very indefinite term, and that different plants require different soils, so that a very poor wheat-field may be excellent for raising potatoes. And then when we remember the great number of varieties of every species of plants, the phrase, "the most fertile soils," no longer conveys a meaning. It is, moreover, difficult to treat the preposterous measure of fertility offered by Ricardo with seriousness. To declare that one land is more fertile than another because, with an equal application of capital and labor, more is produced on it than on the other, is to declare that all difference in science and experience and skill which exists between farmers is of no consequence. It is degrading the most difficult, perhaps, of all occupations to the rank of a performance on the barrel-organ, which will grind out an equal number of tunes to an equal number of turns of the crank.

V. An increasing population will require less fertile soils to be cultivated. These less fertile soils will always bring a less return to the capital and labor expended on them than the more fertile ones; and therefore, as there cannot be two rates of profit, the excess of produce of the better lands over that of the worst—the same capital and labor being expended on all—becomes rent.

This proposition is the heart of Ricardo's theory. It expresses that more fertile soils have inherent in them a certain value not dependent on human labor—a value which increases as often as the increase of population requires less fertile soils to be cultivated—a value which will, by continual increase of population, become a perpetually growing monster, and eventu-

* This progression from good to inferior land is essential to the theory, as Ricardo himself declares, as he must, that, if it were otherwise, either there could arise no rent, or existing rent would be diminished in proportion as the new land is more fertile than the old.

ally swallow up all the capital of the land.* Examining this proposition, however, we find, in the first place, that as the word "fertile" (as shown above) expresses no definite idea, the proposition can have no practical importance; and that, for this reason alone, it could never become the guide of the legislator.

In the second place, I shall endeavor to show that it is theoretically fallacious. The proposition assumes that the relative fertility of soils is something perennially fixed; that soils have powers which rank them into distinct orders, and that by no endeavor a soil of an inferior grade can ever become the equal of the soil of a superior grade, because, whenever the owner of the inferior applies capital and labor to improve it, the owner of the superior need only apply the same amount of capital and labor in order to maintain his superiority. But this whole assumption is without reason, and is utterly confounded by the teachings of agricultural chemistry. A soil is fertile, according to this science, if it contains a proper quantity of certain chemicals which are properly mixed, are in proper temperature, in proper density, and in proper moisture. If it is wanting in any of these conditions, it is infertile. As soon as the wanting conditions are supplied, it becomes fertile. And with this simple definition the whole of the proposition is proved erroneous. Let us suppose that the soils of a certain district range from 1 to 5, according to the degree of fertility at a given epoch, and that an analysis of the soil shows that No. 1 is in perfect condition, No. 2 is deficient in phosphates, No. 3 in nitrogen, No. 4 too dry, and No. 5 too moist. Now, if owner No. 2 applies phosphates, No. 3 applies nitrogen, No. 4 irrigates his, and No. 5 builds a drain, they may all make the land of equal fertility with that of No. 1.

And by this example it is not only proved that nature makes no barrier by which land-owners may be able to seize all the wealth of the country—a closer examination shows that the assumption that it would require increasing capital and labor, as soils stand lower in the order of fertility, in order to accom-

* In this connection it may be interesting to quote the words of Ricardo, which Mr. George has condensed into the happy phrase, "progress and poverty," and elaborated into an eloquent book: "In the progress of society and wealth" a period will be reached when "the very low rate of profits will have arrested all accumulation, and almost the whole produce of the country, after paying the laborers, will be the property of owners of land, and the receivers of tithes and taxes." (Chapter vi.)

plish this equality, is false. The nitrogen may be five times as expensive as the phosphates, so that soil No. 3 may require less capital to make it equal to No. 1 than soil No. 2 would. The drain of No. 5 might be inexpensive, while the irrigation on No. 4 might be expensive. As for land No. 1, this being in perfect condition, no amount of capital spent on it could improve it, and if the owner, urged by greed and Ricardo's theory, should make the attempt, he would actually lessen the fertility of his soil. In short, the relative fertility of various soils is of far less importance in determining the quantity of produce yielded by each than the relative fertility of the land-owners' brains.

Moreover, even if the assumption that soils cannot be so improved as to become equal to each other were true, how could the simple fact of a difference of quality give to the land some peculiar value aside from the quantity of labor incorporated within it? There is no commodity which does not actually exist in various qualities, and no one dreams of urging this fact as giving a peculiar value to commodities. What greater reason is there for speaking of land-values as being brought about by difference in quality of land, than of shoe-values or hat-values, owing to difference of qualities in shoes and hats? Ricardo says that, owing to an increasing population, land of a worse quality must be resorted to, and that the farmer of the worst land must get the same returns to his capital and labor as the farmer of the best. Now, if this were so, would not the argument apply as well to shoes? An increasing population requires more shoes, so that recourse must continually be had to worse leather; and as the capital and labor expended on the worst leather must bring the full ordinary return, all better leather will obtain a peculiar leather-value!

The fallacy which lies at the core of this reasoning consists in reckoning the value of objects by an ascending scale, which takes the worst quality as its basis of value, and then predicates an over-value for all objects which are better than this worst, on the fallacious assumption* that there is such a thing as ordinary rate of profits, which those who expend capital on the worst quality will require, and, more than which, those who expend it on the best cannot obtain. This fallacy discovers itself at once

* An assumption unfortunately prevalent among political economists, and invalidating many of their main conclusions.

when we take a large view of things—a view which distinguishes political from private economy. Such a view compels us to consider the aggregate value of all objects of a certain kind, and not some particular values in the hands of individual possessors. It is found, for instance, that the aggregate amount of yearly produce in a country is one billion bushels of corn, and that this is produced on one hundred million acres of corn-land. The average yield is, therefore, ten bushels per acre. Now, some acres will produce as high as twenty bushels, some fifteen, some twelve, etc., but these must perforce be counterbalanced by other acres which yield only eight, or six, or five, or even less. And so, from the difference in the products of the individual acres, no value can be gained for the land-owners on the aggregate, as precisely by as much as one gains another must lose.

A nearer examination will, moreover, show that the land which produces most will be the one which is most skillfully tilled and carefully prepared, rather than the one which possesses the best original qualities—that, in fact, originally purely infertile soils, as bogs and arid plains, will be among those which produce the largest amount per acre. From this, too, it becomes evident that the statement that there cannot be two rates of profit is palpably false; that, in fact, there will be as many rates of profit in every pursuit as there are individuals employed in that pursuit, and differences in the material worked upon; and, as there are no ordinary profits, that neither land-owners nor owners of other objects obtain, as a class, a peculiar advantage because raw materials of a better quality than the worst in use are worked up.

This consideration leads to the important conclusion that differential values cannot exist, and that a class cannot get the benefit of advantages possessed by individuals among it, their advantages being by the force of the term balanced by the disadvantages of others.

It appears further that, considering an entire country, there will be an average amount of labor required to produce an average crop, that will yield an average profit to the farmer, and yield an average rent to the landlord, which rent will be the average rate of interest that capital invested in land yields. Some laborers will produce more than others, some capital will bring greater return than others, some soils will yield more than others, but neither the laborers, nor the capitalists, nor the land-

owners in the aggregate will derive any benefit from these differences; and as little as there will be a labor-value resulting from difference in quality of laborers, or a capital-value from a difference in quality of materials, will there be a land-value from differences in quality of land.

As a final result of my criticism, I claim to have shown that land possesses no peculiar value, either on account of monopoly, or of appropriation, or of Ricardo's theory—and that, by the method of exclusion, we must infer that the value of land, like that of all other objects, can consist only in the amount of labor it represents.

And now, bearing in mind this result, we are forced to the conclusion that any increase in land-values can only be the consequence of an increased quantity of labor incorporated in the land. We perceive that most of the so-called rises in land-values are only periodical rises in the money value of land, which are followed invariably by falls of this money-value; that these rises and falls have no more to do with land than they have with other commodities, and depend on the fluctuations of the money market, by which fluctuations land-holders as a class cannot gain. It is only when the increase of value is owing to the fact that more labor has been directly or indirectly applied to the land that the rise in rent becomes real.

In the progress of society, however, labor becomes more and more efficient; consequently, less and less labor becomes necessary in order to produce an object; and this fact so necessarily tends to depreciate all objects which are already in existence, that the rise in value of lands newly cultivated is often completely balanced by the fall in value of lands already in cultivation; and so the aggregate value of lands even of a new country increases in less proportion than the amount of labor incorporated in it. For instance, in New York the average value per acre of improved farm land is only fifty dollars; certainly but a small return for the quantity of labor which for nearly three hundred years has been incorporated in the farm lands of this State.

And now, having obtained a clear view of the nature of land-values, we can intelligently consider the question of an exclusive land tax.

Even Ricardo, after attempting to show that land-values are only the result of difference of fertility of the soil; that, consequently, a tax on rent could not be shifted on the consumer; and

that it would be indifferent to the farmer whether this rent were absorbed by the landlord or the tax-gatherer; and that the landholders are the mere passive recipients of what might as well go to the State; even he (probably under a presentiment of the difficulty of applying his speculations in actual practice) says (chap. xiv.), criticising Adam Smith: "If it be considered that land, regarded as a fit subject for exclusive taxation, would not only be reduced in price, to compensate for the risk of that taxation, but, in proportion to the indefinite nature and uncertain value of the risk, would become a fit subject of speculation, partaking more of the nature of gambling than of sober trade, it will appear probable that the hands into which land would in that case be most apt to fall, would be the hands of those who possess more of the qualities of the gambler than of the qualities of the sober-minded proprietor who is likely to employ his land to the greatest advantage." For even he, the inventor of the independent land-values, could not but feel that they never could be reached by taxation. Fertility of the soil is only one element of production, and there are numerous others. The fact that one soil yields 90 while another yields 100, does not prove in itself the inferiority of the former. The less quantity of produce may be owing to less skill of the farmer, less efficiency of the laborers, unsuccessful experiments, less favorable conditions of the atmosphere, and various other reasons. How would it be possible to find a balance which would decide with nicety exactly how much one soil is superior to another, not to speak of the fact that advantages of situation are to come in and confuse the whole problem? And so, even if Ricardo were right, yet, as any scheme of taxation built upon it would have to take for its basis the lowest quantity of produce which the most ignorant farmer, employing the most slothful laborer, might bring from the ground, and would confiscate the produce of the more skillful and the more careful as rent, any such scheme would not only be unjust, it would be suicidal. And Ricardo himself shrank from the absurdity to which his conclusions logically and of necessity lead.

But with the whole of his theory swept away, and the value of land recognized as consisting only in the quantity of labor it represents, necessarily all tax on land becomes a tax on labor employed on land, and such a tax will either be shifted on the consumer, or labor on land discouraged. But the discourage-

ment of labor on land leads to the discouragement of labor in general; for the labor on land, whether employed in raising the yearly crop, or in replacing the chemicals taken away by last year's crop, or in ameliorating the land so that it may bear a future crop, is indispensable to all other forms of labor, because the latter can only be applied to the raw material first produced by the agricultural laborer. Such a discouragement could not be suffered by the non-agricultural portion of a community, and it would be compelled to allow the tax to be shifted on itself. But after it has been shifted, the laboring poor would have to pay the lion's share of the tax, as they do of most indirect taxes. The misery which would attend any marked increase of taxation of land can therefore hardly be exaggerated.

How would such an increased land-tax affect land-ownership? It could never bring about common property in land; but would, instead, operate as the confiscation of the property of the poor in favor of the rich, because all the smaller land-holders would be wiped out during the transition period between the first levy of the tax and the final shifting of it on the consumer. These poorer land-owners would not be able to pay the increased tax, as they only succeed with hard struggling to pay the present tax in addition to the interest on the mortgage on their lands; and so their lands would be sold at tax sales. That they would not receive a corresponding benefit from the abolition of taxes on "groceries, clothing, tools, etc.," as Mr. George believes, requires no demonstration, when we reflect that these taxes are duties for protection and not for raising revenue, and will remain or be removed independently of revenue considerations.

Furthermore, as Mr. George considers all previous improvements in ameliorating the soil as a part of the soil, and would allow nothing for them, while he neither could nor would apply this rule to future improvements, as otherwise no one would any longer improve the soil, but all, instead, would rob it, it follows that the soil could be tilled with profit only by large capitalists, who could make such extensive improvements that, what at the time of the first levying of the new tax might be appraised as the value of the land, would be but a trifle compared to the non-taxable future improvements. Then would begin the era of great possessions, which Mr. George dreads so much that he prefixes the motto "*Latifundia perdidere Italiam*" to his principal work. Soon the former independent cultivators of the soil, driven from house and

home by the tax-gatherer, would be compelled to take refuge in these great possessions and live on them either as laborers or as paupers.

In the cities, the principle of taxing only building lots, and leaving buildings untaxed, would lead to the huddling together of the whole population on as small a space of ground as possible. A system of tenements would be inaugurated compared to which the crying evils of our present system would seem to be a blessing. The poorer land-owners, already saddled with mortgages, could not improve their land sufficiently to make the value of the lot but a trifle compared to the value of the building, and could in consequence not shift the taxes from themselves on their tenants with sufficient rapidity; they would find their possessions pass into the hands of the tax-gatherer, and themselves reduced to denizens of the great capitalists' tenements.

The natural outcome of all this would be the establishment of a monopoly in land; that is, all the land of the country would finally pass into the hands of a single person ruling over a ryot population.

ISAAC L. RICE.

AN UNCONSTITUTIONAL MILITIA.

EVERY one knows what is meant by the words "State militia"; they have been used in conjunction since the States were formed. As yet, the term "United States militia" has not become familiar; but the name "national militia" has of late come into such frequent use that it sounds like a very natural combination of words.

What it means is the militia of the several States, organized under one system and controlled by the general Government. If it mean less than this, the term is quite inappropriate.

The Constitution of the United States (Art. I., sec. 8) prescribes that Congress shall have power—

> "To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

In 1792, Congress attempted to exercise the power above expressed, and the militia law, as it now exists, was then in the main created, and during the ninety years since that time Congress has been further trying to do that which it is empowered to do by this constitutional power—that is, it has tried to organize, to arm, and to discipline the militia, while reserving to the States respectively the appointment of the officers and the authority of training the militia. It has failed; and notwithstanding Presidential messages, militia committees, militia commissions, bills proposed, and Congressional debates, the power to organize, to arm, and to discipline remains unexercised. The reason is not far to seek: Congress has been vested with an empty power. It can no more organize and discipline the militia while the authority to train and to officer is vested in the State, than it can grant a charter to the city of New York on the ground that it is a sea-

port, and that Congress has power to regulate commerce with foreign nations.

Why, then, should names be used that convey incorrect ideas?

Perhaps no better evidence of the truth of the foregoing propositions can be presented than the bill reported to the House of Representatives from the Committee on the Militia, March 1, 1882, concerning which the committee say that the bill embodies the suggestions of the National Guard Association of the United States, and is the "most satisfactory solution of the militia question that has yet been proposed." The article by General Ordway, published in THE NORTH AMERICAN REVIEW, April, 1882, is an advocacy of all the features of that bill. They may be briefly stated to be: *First.* Calling the militia which the State *shall see fit* to organize the "National Guard," and the body of able-bodied male citizens, between eighteen and forty-five years of age, enrolled as the State may see fit, and who are not in the "National Guard," the "reserve militia," or inactive class; the two classes to constitute the whole militia. *Second.* The appropriation of one million dollars annually, which sum shall be divided among the States, in proportion to the organized militia force of the States respectively, on a basis and with the limitation of five hundred men to each Congressional representative. This bonus, it is proposed, shall be given in arms, field-artillery, camp, cavalry, and infantry equipments, ammunition, and service-dress, on the conditions that the organizations of the States shall go into camp five consecutive days in the year, drill once a month, hold annual inspections, practice at rifle ranges which the States shall provide, procure the service-dress, account for all property furnished to them, and follow the regulations to be prescribed by a board of seven officers whom the President shall name; reporting in full as to numbers and military property to the U. S. War Department.

From the foregoing statement, it must appear that the last attempt at *organization* is nothing more than a coaxing measure; and a comparison with the law of 1792 will show that the admission is made in this last bill that the attempt to organize, which was then seriously made, has now been abandoned for a policy of help and succor to the deserving and obedient. Under the old law, the enrollment of citizens is directed to be made by captains, and thereupon the citizens must arm and equip themselves. It is true these provisions are dead letters, but they show an effort which has proven futile, and the proposed substitute for these

laws wisely omits such matters. As now suggested, each State shall be *induced* to organize a militia, and to train it, according to a system prescribed for the regular army, by the promise of its proportion of one million dollars annually, upon the continued performance of the conditions imposed.

The criticism to be urged against bills of this nature is that they proceed upon an erroneous theory of legislation. There can be no doubt that the general Government must provide some system for its own protection—that the subject of weapons and defenses and the whole theme of military engineering must be well entertained by it; but inasmuch as the power to organize the militia, and to train and to control it, is really a matter for State management, no legislation should be had that seeks to place the responsibility upon the general Government to provide uniforms, horse trappings, camp equipage, ammunition, and such outfit for the State militia.

The story of the adoption of that portion of the Constitution quoted above is longer than the limits of this article will permit of recital. It may be told in outline that, in 1787, when the delegates to the Federal Convention met, the subject of the militia was one of the most delicate questions involved in the Constitution which they proposed to draft. Everything relating to the sovereignty of the States was, so far as most of the delegates were concerned (and perhaps it was still more so with their constituencies), to be surrendered with great jealousy. Mr. Mason, from Virginia, one of the ablest delegates present, framed the provision originally giving to Congress power "to make laws for the regulation and discipline of the militia of the several States, reserving to the States the appointment of the officers." This was immediately met by Mr. Ellsworth, of Connecticut, with the objection that this was going too far, and the control of the Government should be limited to the occasions when the Government should call the militia into service, or when the States entirely neglected the militia. Mr. Dickinson, from Delaware, thought the Government should have control of only one-fourth part of the militia at a time, and after some discussion Mr. Mason withdrew his proposed clause, and suggested that the power be "to make laws for regulating and disciplining the militia, not exceeding one-tenth part in any one year." This plan for a "select militia" did not, however, meet with approval, and after various expressions of opinion that the

States would not give up their control over the militia, the subject was referred to the Committee of Eleven, who, some days later, reported the clause as it now stands, with the exception that the words "to provide for organizing," then read "to make laws for organizing."

In debate Mr. King, of Massachusetts, on behalf of the committee, explained that, by "organizing," the committee meant proportioning the officers and men; by "arming," specifying the kind, size, and caliber of arms; and by "disciplining," prescribing the manual, exercise, and evolutions. Later in the debate he further explained that "arming" meant, not only as above stated, but included the authority to regulate the modes of furnishing arms, either by the militia themselves, the State governments, or the national Treasury, and that laws for disciplining must involve penalties. Two resolutions were negatived, phrasing the power, respectively, "to establish a uniform and general system of discipline," and "to establish a uniformity of arms, exercise, and organization"; and the proposition of Mr. Madison, that the reservation of the appointment of officers to the State be limited to officers "under the rank of general officers," met with great disapproval. Few appreciate how much opposition from the States arose upon the clause as it was finally adopted; nor was it until after vigorous argument that the final ratifications were made.

The act of 1792, although going as far as the constitutional power appeared to extend, was found to be of very little value within a very short time of its adoption. In December, 1793, President Washington, in his address to Congress, says: "It is an inquiry which cannot be too solemnly pursued, whether the act more effectually to provide for the national defense, by establishing a uniform militia throughout the United States, has organized them so as to produce their full effect." In November, 1794, he says: "The militia laws have exhibited such striking defects as could not have been supplied but by the zeal of our citizens. . . . Every appeal to those laws is attended with a doubt on its success." Congress was disposed to do what it could, and the matter was kept before it. In 1794, Mr. Cobb, from his committee, reported: "Viewing this subject as applied to the Constitution of the United States, and the powers therein expressly reserved to the States, they have their doubts how far Congress can, consistently therewith, make any important alteration or amendment in the present law."

When President Jefferson called the attention of Congress to the subject, in 1802, the committee of the House took the matter up again, but reported in February, 1803, by Mr. Varnum, that, after full investigation of the law of 1792, it is considered that it "embraceth all the objects of a militia institution delegated to Congress." In 1806, the matter of a classification of the militia, in accordance with the suggestion of Jefferson to separate "the more active part from that which is less so," was presented to Congress, in a report which, after a thorough examination of the subject, concludes: "That it is inexpedient to adopt measures for the classification or new organization of the militia." In 1810, the Senate committee to whom President Madison's message regarding the militia was referred, reported that: "All . . . within the power of Congress seems to have been already done, unless it should be deemed expedient to make a new organization, by a classification which shall constitute a select and a reserve militia; . . . and as the committee are unwilling to derive any powers to Congress not expressly given by the Constitution, nor necessarily incident to the powers delegated," they therefore ask to be discharged from further consideration of the subject. Mr. Clay, during the same month (March), reported to the House that it would be improper to innovate on the present system of the militia.

Through successive administrations change in the law, which was inoperative, was repeatedly proposed, but no other plan has ever been adopted. The militia of the States is all the male citizens able to bear arms between eighteen and forty-five years of age, and the defense of the nation lies in that reserve, which is ready to act when called on, and to act intelligently. It is true that a far more liberal view of the powers delegated to Congress may now be taken, with the approbation of a majority of the citizens of the United States, than was taken before the last change of political parties; nevertheless, an express reservation to the States of authority to officer and to train their own militia cannot be overcome, except by a change in the Constitution.

The vital principle of the proposed law is one million dollars; and it is assumed that, taking away all enactments as to the formation of militia organizations, and leaving it to the States to organize their troops, either by volunteer or draft measures as they choose, the latter will be incited to perfect their brigades in order to share in the purse provided. This may be a shrewd

plan, but it seems to be neither proper, so far as the States are concerned, nor politic, so far as the general Government is concerned; and an examination of other details of the bill will further confirm these objections. It is provided that all property issued to the States shall remain the property of the United States, and be annually accounted for, and all loss or damage, except wear incident to the service, shall be made good to the United States. It is provided that regiments, brigades, or divisions may have officers from the regular army assigned to do duty as adjutants, assistant adjutant-generals, or chiefs-of-staff; and that officers from the regular army shall be detailed to attend the inspections of the militia organizations of the States, whenever the inspections of these organizations which share the said annual fund shall take place.

In respect of these provisions, it may be said that to have no authority over the militia, as such, and to hold it accountable for all property issued to it, immediately leads to an anomaly. Since 1808, the general Government has annually appropriated two hundred thousand dollars, which has been applied to the various States, latterly in the proportions of the Congressional representations of those States, and the opinion of the United States Attorney-general, in 1874, was expressed, on application to him by the Chief-of-ordnance, that no power existed to withhold from any State its share of that fund. He held that the State took a qualified interest in the property in the nature of a trust to use it for military purposes, but that he knew of no provisions by which an accounting with the State could be had. There can be no question that Congress has power to give to a State a sum to arm its militia, or a certain proportion of arms, on certain conditions, but in this matter the sum appropriated is for an institution which is primarily for the local protection of the State helped, and the relations of the States to the general Government should be too high for subsequent accountings. In respect of the employment of regular army officers, drawing their pay from the general Government, and taking commissions from governors of States to superintend monthly drills, and five-day encampments once a year, it is believed that the regular army would not be benefited by such assignments, nor would the benefit of such association promote the spirit of general military education among the people.

The regular army of the United States has enough to do, if its

officers do properly what falls within the scope of their military lives. An examination of the reports of the Secretary of War to Congress, made each year, will show the variety of ordnance, engineering, meteorological, and tactical subjects with which that branch of the service is required to deal. For the development of scientific knowledge, as to all the arts of war, the country depends upon the work of the army and navy, and it does not seem proper to take from two to three hundred officers away from that service to do duty as militia officers.

That the general Government should furnish the States with arms as improvements may be devised is quite proper. The manufacture of arms has, since a very early period in the history of our Government, been fostered and controlled by governmental aid. From this source the most effective weapons should be furnished to the States, either by purchase on the part of the State or by gift to the State. The power to arm the militia has been embodied in the Constitution without any restraining clause. Upon such gifts alone the promotion of efficient organizations can be secured. The militia laws can be simplified and perfected to suit the solution which time—as it is said—has made, by providing for such distribution of arms as the States may require for organizations which they may create. Let, however, such other matters as have been alluded to, as well as rifle-matches, which the bill referred to provides for, remain with the States. Why should from twenty-five to thirty thousand dollars be expended yearly, to transport teams and reserves to a contest between representatives of all the States? The money which the general Government shall raise from customs and revenues can be put to better use.

We have an army and a navy, such as it is, and instead of spreading a limited peace income in very thin layers over a very large surface, let our real sources of military and naval knowledge be helped, and let the States, in something of the independent spirit of their histories, take care of their own homes and factories, and give evidence of their ability to respond to any call from the Executive "to execute the laws of the Union, suppress insurrections, and repel invasions."

CHARLES E. LYDECKER.

INDEX

TO THE

HUNDRED AND THIRTY-FOURTH VOLUME

OF THE

North American Review.

ALLISON, W. B. The Currency of the Future, 535.
A National Militia, 395.
An Unconstitutional Militia, 631.
Anti-Vaccinism, 368.
BACON, L. W. Andover and Creed-subscription, 551.
BEARD, G. M. Responsibility of the Insane, 11.
BERGH, H. The Lancet and the Law, 161.
Bourbonism in Virginia, 416.
Central America, The Ruins of, 401.
Chapter, A, of Confederate History, 97.
CHARNAY, D. The Ruins of Central America, X., 401.
Christian Religion, The, Part III., 170.
Civil Service Reform Controversy, 379.
COALE, G. B. The Geneva Award and the Insurance Companies, 76.
Conduct of the Guiteau Trial, 221.
Conversations with a Solitary, I., 507.
Creed-subscription, Andover and, 551.
Crisis, The, in Utah, 327.
Currency of the Future, 535.
Days with Longfellow, 456.
DICKSON, W. M. The New Political Machine, 40.
Do the Spoils belong to the Victor? 111.
DOW, N. Results of Prohibitory Legislation, 315.
DOWLING, J. W. Old-school Medicine and Homeopathy, 578.
EDMUNDS, GEO. F. Conduct of the Guiteau Trial, 221.
ELWELL, J. J. Moral Responsibility of the Insane, 1.
Fallacies of Homeopathy, 293.
FISHER, G. P. The Christian Religion. Part III., 170.
FISKE, J. The True Lesson of Protestantism, 259.
FOLSOM, C. F. Moral Responsibility of the Insane, 31.
French Republic, Progress of the, 232.
FROTHINGHAM, O. B. Swedenborg, 600.
Geneva Award, The, and the Insurance Companies, 76.
GODKIN, E. L. The Civil Service Reform Controversy, 379.
GORRINGE, H. H. The Navy, 486.
Guiteau Trial, The Conduct of the, 221.
HAMILTON, GAIL. The Spent Bullet, 525.
HARSHA, W. J. Law for the Indians, 272.
Has Land a Value? 617.
History, Confederate, A Chapter of, 97.
Homeopathy, Fallacies of, 293.
Homeopathy, Old-school Medicine and, 578.
Immigration, Mongolian, 562.
Indians, Law for the, 272.
Insane, Moral Responsibility of the, 1.
JACOBI, M. P. Shall Women Practice Medicine? 52.
JEWELL, J. S. Moral Responsibility of the Insane, 24.
JOHNSTON, J. W. Repudiation in Virginia, 149.

Jury, Trial by, 244.
Lancet, The, and the Law, 161.
Land, Has it a Value? 617.
Law for the Indians, 272.
Longfellow, Days with, 456.
LYDECKER, C. E. An Unconstitutional Militia, 631.
Machine, The New Political, 40.
MALLOCK, W. H. Conversations with a Solitary, I., 507.
MARTIN, H. A. Anti-Vaccinism, 368.
Medicine, Old-school, and Homeopathy, 578.
Medicine, Shall Women Practice? 52.
Memorandum, A, at a Venture, 546.
Militia, A National, 395.
Militia, An Unconstitutional, 631.
Mongolian Immigration, 562.
MURRAY, E. H. The Crisis in Utah, 327.
National Militia, 395.
New Political Machine, The, 40.
NOYES, E. F. The Progress of the French Republic, 232.
Old-school Medicine and Homeopathy, 578.
ORDWAY, A. A National Militia, 395.
PALMER, A. B. Fallacies of Homeopathy, 293.
Party Schisms and Future Problems, 431.
PHELPS, E. S. What does Revelation Reveal? 467.
Political Machine, The New, 40.
Progress of the French Republic, 232.
Prohibitory Legislation, Results of, 315.
Protestantism, The True Lesson of, 259.
Railway Abuses, A Remedy for, 134.
Repudiation in Virginia, 149.
Responsibility, Moral, of the Insane, 1.
Results of Prohibitory Legislation, 315.
Revelation, What does it Reveal? 467.
RICE, I. L. A Remedy for Railway Abuses, 134.
RICE, I. L. Has Land a Value? 617.
RIDDLEBERGER, H. H. Bourbonism in Virginia, 416.
RUFFIN, F. G. A Chapter in Confederate History, 97.
Ruins of Central America, X., 401.
SCHURZ, C. Party Schisms and Future Problems, 431.
SEGUIN, E. C. Moral Responsibility of the Insane, 17.
SELF, E. Why They Come, 347.
SEWARD, G. F. Mongolian Immigration, 562.
Shall Women Practice Medicine? 52.
Spent Bullet, The, 525.
Spoils, do they belong to the Victor? 111.
Swedenborg, 600.
THOMAS, E. A. Trial by Jury, 244.
True Lesson, The, of Protestantism, 259.
Unconstitutional Militia, An, 631.
Utah, The Crisis in, 327.
Virginia, Bourbonism in, 416.
Virginia, Repudiation in, 149.
WARD, S. Days with Longfellow, 456.
What does Revelation Reveal? 467.
WHITE, A. D. Do the Spoils belong to the Victor? 111.
WHITMAN, W. A Memorandum at a Venture, 546.
Why They Come, 347.
Women, Shall They Practice Medicine? 52.

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